

October 16, 2007



**TRANSCRIPT
October 16, 2007**

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Marilyn Praisner, President	Councilmember Michael Knapp, Vice President
Councilmember Phil Andrews	Councilmember Roger Berliner
Councilmember Marc Elrich	Councilmember Valerie Ervin
Councilmember Nancy Floreen	Councilmember George Leventhal
Councilmember Duchy Trachtenberg	

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1 Council President Praisner,
2 Okay, ladies and gentlemen, and welcome to the October 16th meeting of the
3 Montgomery County Council. If we could please rise for a moment of silence. [Moment
4 of silence observed] Thank you. We have actually two proclamations this morning. The
5 Human Resource Department has asked us to do one, and the community has asked
6 for one. So let's start with the Disability Mentoring Day, and I ask Yasmin Reyazuddin to
7 join me, please. Yasmin? Thank you so much for being here. WHEREAS, Montgomery
8 County Government recognizes that people with disabilities provide valuable
9 contributions to our society by actively participating in the Montgomery County
10 workforce as residents, consumers, employees, employers, and effective leaders; and
11 WHEREAS, employers benefit from mentoring people with disabilities as a way of
12 understanding individuals with disabilities, developing lasting relationships with leaders
13 in the disability community, and recruiting new and emerging talent for meaningful
14 internships and potential employment opportunities; and WHEREAS, since the
15 Americans with Disabilities Act was passed in 1990, more than one million people with
16 disabilities have successfully entered the labor force; and WHEREAS, students and job
17 seekers with disabilities should have equal opportunity to maximize their potential by
18 fully utilizing their knowledge, skills, and abilities in an environment free of systemic
19 physical and attitudinal barriers in order to enjoy economic independence and self-
20 sufficiency through profitable employment opportunities; and WHEREAS, Disability
21 Mentoring Day provides an opportunity for students and job seekers with disabilities to
22 pursue career and mentoring opportunities by spending a day with a County employee
23 as he or she partners with the County and workforce; NOW, THEREFORE, do we, Isiah
24 Leggett as County Executive, and Marilyn Praisner as County Council President, hereby
25 proclaim tomorrow, WEDNESDAY, OCTOBER 17TH, 2007, AS DISABILITY
26 MENTORING DAY IN MONTGOMERY COUNTY. We encourage our residents to join
27 us in recognizing the importance of this work in the lives of people with disabilities. And
28 it's signed by the County Executive and myself. Yasmin, I'm going to let you hold the
29 proclamation as well while they take some pictures of us. [Photo session] And if you
30 wanted to say something about Disability Day, please go right ahead.

31
32 Yasmin Reyazuddin,
33 Okay. Thank you once again for the County Council to recognize Disability Mentoring
34 Day as one part of our program, part of our work. People with disabilities without jobs
35 are like birds without wings, and we do not wish to do that. So I hope that County
36 employees and other employers within the County will help acknowledge and help with
37 Disability Mentoring Day. And we hope that the County will continue to support this
38 program, and many other programs such as this, so we can have more meaningful
39 employment for people with disabilities within the County. Thank you very much.

40
41 Council President Praisner,
42 Thank you. [Applause] Do you want to stay up here while I do White Cane Day?



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1
2 Yasmin Reyazuddin,
3 No.

4
5 Council President Praisner,
6 No? Okay.

7
8 Yasmin Reyazuddin,
9 You have two other people.

10
11 Council President Praisner,
12 Alrightee. Thank you. Linda will help you. Would Colleen Day and Tom Bickford join me
13 up here for our White Cane Safety Day? It's that time again this year. Tom, thank you.
14 And Colleen, thank you. WHEREAS, October 15th, 2007, the National Federation of the
15 Blind observed national White Cane Safety Day; and WHEREAS, the purpose of White
16 Cane Safety Day is to raise public awareness of the white cane as a symbol of
17 independence and freedom for blind people and to promote public awareness of the
18 blind as equal and productive citizens; and WHEREAS, during this time the public is
19 reminded that persons carrying a white cane or using a guide dog are legally blind and
20 have equal rights under the law to housing, lodging, amusement, and public
21 transportation; and WHEREAS, motorists should remember that the law requires drivers
22 to exercise particular care when approaching persons who are blind; and WHEREAS, it
23 is also appropriate at this time to remind employers that when blind persons receive
24 proper instruction and genuine opportunity, they can compete on equal terms with
25 sighted persons and are, in fact, employed within the broad spectrum of labor and the
26 professions. NOW, THEREFORE, BE IT RESOLVED that the Montgomery County
27 Council hereby proclaims the WEEK OF OCTOBER 15TH TO 19TH, 2007, AS WHITE
28 CANE SAFETY DAY AND WEEK IN MONTGOMERY COUNTY and commends the
29 efforts of the National Federation of the Blind in this, its 66th year. Presented on the
30 16th day of October in the year 2007. And it's signed by me as Council President.

31
32 Tom Bickford,
33 Thank you very much.

34
35 Council President Praisner,
36 Tom, thank you very much. I think they want to take some pictures.

37
38 Tom Bickford,
39 Which is the way up? Here?

40
41 Council President Praisner,
42 We've got it. Yep. Got it fine. [Photo Session] Okay. Would you like to say something?



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1 Tom Bickford,
2 Just a few words.
3
4 Council President Praisner,
5 Sure, go ahead. The mic is fine.
6
7
8 Tom Bickford,
9 I gave a twenty-minute speech last night.
10
11 Council President Praisner,
12 Oh, okay.
13
14 Tom Bickford,
15 I'll cut it back.
16
17 Council President Praisner,
18 Thank you.
19
20 Tom Bickford,
21 The National Federation of the Blind has been one of the major forces in my life. It told
22 me what to do; how to do it; that I should do it; and then gave me a swift kick in the
23 seat of the pants and said, "Now go do it!" And I have. I've been a member for fifty-one
24 years, and it has given me my life. We appreciate the proclamation from the County
25 Council. Thank you very much.
26
27 Council President Praisner,
28 Thank you. Thank you very much. Good to see you again. Congratulations. [Applause]
29 Oops! Do you have something you wanted to give us, Colleen?
30
31 Colleen Day,
32 Yes, I do. I have some information I would like to pass out.
33
34 Council President Praisner,
35 Okay. I'll take them for you, and we'll pass them out.
36
37 Colleen Day,
38 All right. Thank you.
39
40 Council President Praisner,
41 Thank you so much. Thank you both for joining us today. [Applause] Announcements,
42 Ms. Lauer, of calendar changes or agenda changes?
43



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1 Linda Lauer,

2 Yes, We just have one calendar change. The joint Public Safety/HHS Committee
3 planned for Thursday has been canceled. Those items will be taken up on November
4 1st. Thank you.

5
6 Council President Praisner,

7 Okay. And there are no petitions this week, as I understand it. I just want to announce
8 before the Council gets into its business that Council Vice President Knapp is at a
9 meeting in Frederick County and will be joining us this afternoon. And if he doesn't get
10 back in time for the presentation on the Working Group, he wanted to extend to the
11 members his appreciation and also his apologies for the conflict. Consent Calendar -- is
12 there a motion?

13
14 Councilmember Trachtenberg,

15 So moved.

16
17 Council President Praisner,

18 Councilmember Trachtenbeg. Is there a second? Councilmember Ervin.

19 Councilmember Andrews?

20
21 Councilmember Andrews,

22 Thank you, Madame President. I just wanted to note Item (3)B is an appropriation from
23 a State Grant -- the Senator Amoss Fire, Rescue, and Ambulance Fund Grant -- that is
24 an annual grant that goes to help support our local volunteer fire and rescue
25 departments and helps maintain the facilities. It's a total of \$1.4 million, and the
26 amounts range from \$44,000 to \$120,000 per station; they're broken out in the back.
27 These are very important funds to help keep our local departments up to the standard
28 where they need to be so that we can continue to use them and have them serve the
29 public. So I wanted to acknowledge the importance of this State Grant.

30
31 Council President Praisner,

32 Okay, I see no other lights; so all in favor of approval of the Consent Calendar, please
33 indicate by raising your hand. [Show of hands] Councilmember Floreen in the back of
34 the room -- it's unanimous among those present. Vice President Knapp temporarily
35 absent. We will now move to Item (4), which is action on the confirmation of County
36 Executive appointees to the Washington Suburban Sanitary Commission. We have two
37 appointees which the Council interviewed yesterday: Mr. Gene Counihan and Ms.
38 Adrienne Mandel. Councilmember Floreen.

39
40 Councilmember Floreen,

41 Thank you, Madame President. I am so delighted to move -- can I do both of them?

42
43 Council President Praisner,



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1 Yes.

2
3 Councilmember Floreen,
4 At once?

5
6 Council President Praisner,
7 Yeah.

8
9 Councilmember Floreen,
10 I'm so delighted that we have such extraordinary candidates to serve on the WSSC and
11 to represent Montgomery County's interests there. Both Gene Counihan and Adrienne
12 Mandel know this world inside out; bring with them a tremendous legislative
13 appreciation, a tremendous appreciation for interagency politics and policies, and
14 wonderful interpersonal skills -- all of which are the critical tools, I think, in making for
15 successful decision making over at the WSSC. So I'm very pleased to support and, I
16 guess, move Gene Counihan and Adrienne Mandel to be our new commissioners.

17
18 Councilmember Leventhal,
19 Second.

20
21 Council President Praisner,
22 Okay, we have the appointments of Gene Counihan and Adrienne Mandel to
23 Washington Suburban Sanitary Commission -- the motion made by Councilmember
24 Floreen and seconded by Councilmember Leventhal. I just want to add my personal
25 dittos to the comments made by Councilmember Floreen. We are very fortunate to have
26 two individuals who are willing to continue to serve the County in other ways, including
27 now the Commission. They are well prepared to hit the ground running, so to speak,
28 with the meeting that is scheduled for tomorrow. And I believe that Ms. Mandel will be
29 serving as Chair in that capacity at that point. So all in favor of the appointment of Gene
30 Counihan and Adrienne Mandel to the Suburban Sanitary Commission? [Show of
31 hands] That is unanimous among those present. Thank you all very much. We will now
32 move -- we're a little ahead of schedule, but I think we can do so without any problems
33 since most of the members of the Working Group on Infrastructure Financing are with
34 us. With that in mind, I'm going to invite the members -- oh.

35
36 Linda Lauer,
37 We have one more small item on District Council Session.

38
39 Council President Praisner,
40 Oh, I'm sorry. I just skipped right over it. District Council Session -- we need a motion to
41 extend the time for Issuance of the Hearing Examiner's Report and Recommendations
42 on Local Map Amendments G-851 and G-861. I skipped right over it. Councilmember
43 Berliner has moved approval of the Resolution. Is there a second? Councilmember



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1 Ervin. All in favor of approval of the Resolution? That is unanimous among those
2 present, both Councilmembers Leventhal and Vice President Knapp being temporarily
3 absent. Now, we'll move to the Work Group for Infrastructure Financing; and I would
4 invite members of the Working Group to join us at the table. And ask you, Dale Susan
5 Rosenthal, as Chair of the Working Group, and members of the Working Group – oh,
6 we have name places for all of you. Why don't we start by having those of you who
7 could join us -- who are here -- introduce yourselves. You need to push the button in
8 front of you to turn the mic on – but then, Mr. Spengler, I'm not sure – remember that --
9 and have everyone introduce themselves, and then I'll turn it back to you, Dale. All right.

10
11 Arthur Spengler
12 Art Spengler.

13
14 Joseph Mason,
15 Joe Mason.

16
17 Dale Susan Rosenthal,
18 Dale Rosenthal.

19
20 William Hudnut,
21 Bill Hudnut.

22
23 Chad Edison,
24 Chad Edison.

25
26 Jeff Zyontz,
27 Jeff Zyontz.

28
29 Council President Praisner,
30 Jeff Zyontz being our staff member. There are other members of the Working Group
31 who are in the audience who served as some of the staff support and ex-officio
32 members as well. I want to acknowledge them at the same time -- I see Jennifer Barrett
33 –

34
35 Dale Susan Rosenthal,
36 Roselle George.

37
38 Council President Praisner,
39 Roselle George from the Planning Board. Anyone else? No. Okay – and Jeff. Dale, I'm
40 sorry.

41
42 Dale Susan Rosenthal,



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1 Thank you and good morning. I'm Dale Rosenthal, and I'm pleased to have the
2 opportunity to present the report of the Working Group on County Government
3 Infrastructure Financing. First, I'd like to recognize the hard work, creativity, and humor
4 of my working group colleagues. I'd particularly like to acknowledge the County staff
5 members who provided very thoughtful clarity to our deliberations. Special thanks must
6 go to Jeff Zyontz for his exceptional dedication to the task -- and for the donuts, Jeff.
7 [Laughter]

8
9 Unidentified Male Speaker,
10 Here, here.

11
12 Dale Susan Rosenthal,
13 Some of us didn't try them, but we heard about them. You asked us to provide
14 recommendations regarding policies and strategies that the County could pursue to
15 secure stable and equitable long-term financing for County infrastructure and
16 renovation. While we recognize the range of political considerations inherent in making
17 revenue choices, we did not evaluate the likelihood of opposition from various
18 stakeholder groups. We should also acknowledge that upcoming revenue decisions by
19 the State will affect County residents and businesses. Nevertheless, we believe that the
20 County must move forward to address the tremendous need for additional infrastructure
21 funding. That need has been documented in several previous reports. The estimated
22 unprogrammed requirements for transportation, public safety, and software systems are
23 approximately \$2 billion -- 200% greater than the \$978 million in the approved Capital
24 Improvements Program. To meet this need, this Working Group identified over 25
25 options -- including both innovative financing techniques and additional sources of
26 revenue which are in use around the country. To evaluate these options, we used a
27 series of criteria -- five of which I'd like to highlight here. First, maintain the County's
28 Triple A Bond Rating. Second, provide an adequate, stable, and long-term revenue
29 stream. Third, create an equitable balance between payors and beneficiaries by
30 focusing on user fees. Be timely and be consistent with other County goals. Let me
31 briefly summarize our recommendations. We believe that these best meet our criteria.
32 While not unanimous, this package does represent a consensus among a majority of
33 the group's members. First, we recommend that the County obtain State authorization
34 for a local-option motor fuel excise tax, motor fuel sales tax, and/or a motor vehicle
35 registration fee. This option would create a more equitable balance between payors and
36 beneficiaries, as transportation users are clearly the most affected. Unfortunately, any of
37 these changes will require State authorization, which may be difficult to achieve.
38 However, it should be noted that Virginia has recently authorized many of its localities to
39 enact a sales tax on motor vehicle fuels for transportation improvements. In order to
40 provide an adequate level of revenue, this option will be broadly applied. For example,
41 to raise about \$75 million per year would require a Motor Fuel Excise Tax of 15 cents
42 per gallon; or an annual County Motor Vehicle Registration Fee of \$100; or a 6% Motor
43 Fuels Sales Tax. Our second recommendation is to enact a new Local Excise Tax on



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1 nonresidential commuter parking spaces which are available for use Monday through
2 Friday. This tax would create a more equitable balance between payors and
3 beneficiaries, as users of parking spaces are clearly users of the transportation system.
4 In fact, some 37% of workers in Montgomery County commute from outside the County.
5 This tax can be implemented timely since it is enacted by County statute. It may
6 contribute to other County goals of encouraging carpools or transit use. To raise about
7 \$75 million per year -- based on estimates of current nonresidential, nonretail parking
8 spaces -- would require a tax of about \$1 per workday per space. Our third
9 recommendation is to increase the Recordation Tax while maintaining a \$50,000
10 exemption. This recommendation also creates a more equitable balance between
11 payors and beneficiaries, recognizing that residence and businesses place a demand
12 on County infrastructure when they move into or within the County -- regardless of
13 whether they occupy a new development. To raise about \$37 million annually, for
14 example, would require an increase of about \$2.50 per thousand. However, even with
15 this increase, Montgomery County would be below several other Maryland counties and
16 the District of Columbia. Unfortunately, transactional revenue is subject to market
17 fluctuation. Our fourth recommendation is to increase the rates and coverage of current
18 impact taxes for new capacity projects. This Working Group recommends some
19 increase in rates for transportation projects and an expansion in the coverage of impact
20 taxes to other program areas. However, this option also acknowledges that some level
21 of benefit for new capacity accrues to current residents and businesses. Cost recovery,
22 therefore, should be less than 100%. This option could, however, increase the County's
23 affordability problem, subject to market conditions. An increase of 50% in the current
24 Transportation Impact Fee rate would yield approximately \$7 million. Our fifth
25 recommendation endorses the Council's recent decision to maximize the use of general
26 obligation debt to a level that maintains the Triple A Rating. Finally, the Working Group
27 believes that the Council should encourage additional public/private partnerships and
28 privatization opportunities. Several successful partnerships have occurred when the
29 County has solicited responses for specific opportunities. We believe that the County
30 can take a more proactive approach by enacting public/private legislation, and focusing
31 internal resources on outreach for partnering opportunities. We would also encourage
32 the Council to review the numerous other ideas which are included in our report, some
33 of which may be appropriate for further study. My colleagues and I very much
34 appreciate the opportunity to provide these suggestions, and we recognize the
35 challenge facing you to make them happen. While raising fees and taxes is painful to all
36 of us, we believe we must make this investment in our future. My colleagues and I are
37 pleased to answer any questions that you may have concerning our report. Thank you
38 very much.

39
40 Council President Praisner,

41 Thank you, Dale; and thank you again to all of you. Are there any members of the
42 Working Group that would like to add any additional comments before I turn it over to



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1 individual councilmembers for questions or comments? Gosh, you're not shy folks. Mr.
2 Hudnut.

3
4 William Hudnut,

5 I'll say something. I realize that any recommendation to raise taxes is a difficult one to
6 provide and to accept. And having lost the statewide election in Indiana on the issue of
7 taxes, I know how painful it is. But it seems to me that in the light of the overwhelming
8 testimony from the National League of Cities and the U.S. Conference of Mayors and
9 probably the National Association of Counties that have been made already to
10 Congress; and in view of the tremendous lapses in infrastructure we have, as
11 represented by the collapse of the bridge in Minneapolis; and in view of the tremendous
12 infrastructure deficit that is being faced all around the country; and in view of the fact
13 that the American Society of Civil Engineers has given America about a "D" rating in
14 terms of its infrastructure, I think that these recommendations we're making are
15 necessary and deserving of your serious -- but hopefully favorable -- consideration. It's
16 going to be tough. You're going to have to sort it out and prioritize and all of the rest of
17 it. But, as somebody once said, "Taxes are the price we pay for civilization." And there's
18 a difference between wise spending and wild spending, and we're encouraging you to --
19

20 Council President Praisner,
21 Wise.

22
23 William Hudnut,
24 -- undertake some wise spending.
25

26 Council President Praisner,
27 Unfortunately, some of that "wise spending" is a judgment call among individuals. And
28 the question is where the threshold is and where the capacity level -- where we achieve
29 the capacity level of, if not unanimity, at least consensus. I do have some lights, so let
30 me start with Councilmember Floreen.

31 Councilmember Floreen,

32 Well, I wanted to express my very heartfelt appreciation to all of you for getting us your
33 best advice in such a short time. You are a tribute to the standard of, "If you want
34 something difficult to get done in a short period of time, ask some busy, smart people."
35 And we are in a position to really benefit from your insight and your expertise. I had the
36 privilege of attending a couple of your meetings; and someone would ask really a
37 complex question, and another member would say, "Well, the answer is XYZ." I heard
38 Joe say that on more than one occasion, and I think that was the regular experience
39 with this crowd. So you were able to hit the ground running, and we are indebted to you
40 for your expertise -- both locally and nationally -- as to the trends and the issues that
41 face us all. Of course, the timing on this is really perfect because of the work we're
42 doing right this minute on growth, on the issues of certainly the growth taxes and the
43 recordation issue, and statewide with respect to what may be occurring on the State



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1 Budget. I think it'll be a good time for us to raise our authority, if we agree to pursue
2 that, at that level as well. I know that the staff support for this was also extraordinary, so
3 I do thank them for this. And I do thank my colleagues for expanding the scope of this
4 from just transportation to our other infrastructure needs, because I think it brings to us
5 the kind of recommendations we really need to face in an updated circumstance. I think
6 the last report we had on this was over ten years ago, and it's time to revisit the issue.
7 So I am, as I said, I am indebted to you. Thank you for your contribution to what's going
8 to be a very challenging set of decisions and initiatives for us to undertake. But no one
9 can suggest that you haven't brought anything but expertise and forward thinking to
10 help us chew over these issues. So thank you.

11
12 Dale Susan Rosenthal,
13 Thank you for your kind comments.

14
15 Council President Praisner,
16 Councilmember Leventhal?

17
18 Councilmember Leventhal,
19 Well, I think this is a very helpful contribution to the discussion we're going to be having.
20 In your thinking about impact taxes and recordation taxes, which obviously are before
21 the Council now as a result of the Planning Board's recommendations, do you see your
22 views on those two revenue sources as over and above what the Planning Board is
23 recommending or as an endorsement of what the Planning Board is recommending?
24 How do those two items interact with what's before us now in this Growth Policy
25 discussion?

26
27 Dale Susan Rosenthal,
28 I think we were focused, Mr. Leventhal, more conceptually on the idea that each of
29 those has a place in a total program.

30
31 Councilmember Leventhal,
32 Mm-hmm.

33
34
35 Dale Susan Rosenthal,
36 We were not looking so much as adding them to what is being considered now; but
37 rather that they are, again, an important part of a full portfolio of options that could be
38 undertaken.

39
40 Councilmember Leventhal,
41 Okay. Did anyone else want to comment on that?

42
43 Chad Edison,



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1 I would just add to that that the exact examples that we gave you are just examples of
2 the levels and rates. And, obviously, these could be adjusted as would be necessary to
3 fit the size of whatever program.

4
5 Councilmember Leventhal,
6 Right. And even on rates, those are just examples, too. For example, on transportation,
7 you could do any one of those options or a blending of several of those options.

8
9 Chad Edison,
10 Right.

11
12 Councilmember Leventhal,
13 The tax on parking spaces, did we not -- maybe someone else here can help me on this
14 -- did Montgomery County not attempt this during Neal Potter's administration? And
15 what happened? Just refresh my memory of what happened on this.

16
17 Jeff Zyontz,
18 I'm not sure it was Neal Potter. I think it might have been just before Neal Potter. In, I
19 believe it was 1992, the Council actually adopted an excise tax—

20
21 Council President Praisner,
22 Neal Potter.

23
24 Jeff Zyontz,
25 It was Neal Potter?

26
27 Councilmember Leventhal,
28 Yeah. He was County Executive in 1992.

29
30 Jeff Zyontz,
31 -- but although the Council passed it, it was vetoed by the Executive --

32
33 Councilmember Leventhal,
34 Oh.

35
36 Jeff Zyontz,
37 -- and was never overridden by the -- was never overridden.
38 Council President Praisner,
39 Actually, let's let Mr. Spengler comment, as we know -- since he had some institutional
40 memory on this. Art? [Laughter]

41
42 Arthur Spengler,
43 That was a 1990 event.



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1
2 Council President Praisner,
3 Right – pre the electionism.

4
5 Arthur Spengler,
6 It was pre-1990 election, and Mr. Kramer was the County Executive at the time. And the
7 Council enacted it. It wasn't quite the proposal that's in this package here; it was a much
8 broader-based Parking Tax proposal which the Council enacted, the County Executive
9 vetoed, and then the Council did not –

10
11 Councilmember Leventhal,
12 That was the end of it. It never came back.

13
14 Arthur Spengler,
15 -- never considered his veto.

16
17 Councilmember Leventhal,
18 Okay. And then, I'm trying to understand item 5 as well. When you say "maximize the
19 use of general obligation debt to a level that maintains the Triple A Rating," words
20 matter here. Is that the same thing as saying, "Borrow as much as we can, but not by
21 more than would maintain the Triple A Rating?"

22
23 Council President Praisner,
24 Joe? [Laughter]

25
26 Councilmember Leventhal,
27 Is that the same way of saying that?

28
29 Council President Praisner,
30 Joe?

31
32 Councilmember Leventhal,
33 Don't borrow so much -- borrow as much as you can, but not so much that we lose our
34 Triple A Rating. Is that a correct alternative way of saying the same thing?

35
36 Joseph Mason,
37 That's a fair representation.

38
39 Councilmember Leventhal,
40 Right.

41 Joseph Mason,
42 The County has spending affordability guidelines. It has a debt service to expenditures
43 limitation –



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1
2 Councilmember Leventhal,
3 Yeah.

4
5 Joseph Mason,
6 -- that it seeks to uphold.

7
8 Councilmember Leventhal,
9 But your recommendation is "borrow." That's the recommendation. Issue as much as
10 you can. Issue a lot of bonds.

11
12 Joseph Mason,
13 You were pretty close to it before you endorsed this.

14
15 Councilmember Leventhal,
16 Right.

17
18 Council President Praisner,
19 I think, if I read this, the recommendations for the spending affordability numbers that
20 the Council chose at the \$3 hundred million category range does what you recommend.
21 It puts us at the limits that are related to the series of indicators and the 10% and those
22 issues. So I think before we would have acted, this recommendation would have had
23 more of an action required by the Council; but that now it's an affirmation of what the
24 Council did in its spending affordability number.

25
26 Councilmember Leventhal,
27 Well, if it's an affirmation of what the Council did, then it doesn't provide any new
28 resources.

29
30 Council President Praisner,
31 Well, it tells us --

32
33 Councilmember Leventhal,
34 I thought the purpose of this Working Group was to identify resources not already
35 available to the Council. If this is merely an affirmation of the excellent work of the MFP
36 Committee and the Council, then that doesn't give us one new dollar. So I'm trying to
37 understand how point 5 relates to the charge to the task force, which is "additional
38 resources over and above those already available to the Council."

39
40 Council President Praisner,
41 Well, when they recommended it, we hadn't done it -- I think is the point.



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1 Councilmember Berliner,
2 That's the short answer.

3
4 Council President Praisner,
5 That is correct. That is correct. [Laughter] I believe the Council's actions were –

6
7 Dale Susan Rosenthal,
8 Again, we read their minds.

9
10 Council President Praisner,
11 Right.

12
13 Councilmember Leventhal,
14 My other question about that – obviously this is an art, not a science. We don't know
15 what level maintains our Triple A Rating. It's not like – you know, we have this ongoing
16 dialogue with the rating houses. It's not as though they say, "This much and no further."
17 It's all a sort of year-to-year negotiation about the rating with three different rating
18 entities.

19
20 Dale Susan Rosenthal,
21 Perhaps I could make one point about that. I think, Mr. Leventhal and other Council
22 members, our thinking was that the Triple A Rating is very important to the County; and
23 we wanted to acknowledge that. But I think the Working Group felt that there was
24 undoubtedly some tweaking that could be done to the way the County looks at it's
25 spending affordability guidelines that could generate some additional funding. For
26 example, there are some techniques of project finance where certain revenue streams
27 outside of those which are a part of that which supports directly the rating, could be
28 looked at and monetized.

29
30 Councilmember Leventhal,
31 Uh-huh.

32
33 Dale Susan Rosenthal,
34 We didn't make that one of our specific recommendations, but you may find some of
35 those opportunities in some of the public/private ventures that you may choose to
36 consider down the road. Do you want to elaborate?

37
38 Joseph Mason,
39 No, I think you captured it very well. I would say that one thing that could come out of
40 this discussion is that, "We're not going away." And as you look through the other
41 options that are laid out for you in sort of an appendix format, we didn't want to elevate
42 some of them to formal recommendations – maybe they weren't quite ripe for it yet. But



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1 I think as a group, we can all commit to if there are other options that you would like to
2 explore in greater detail, you certainly have us at your disposal as necessary.

3
4 Councilmember Leventhal,
5 Okay. My last question is --
6 Council President Praisner,
7 We have your phone numbers and your e-mails.

8
9 Dale Susan Rosenthal,
10 Right. I think that's his point.

11
12 Councilmember Floreen,
13 We'll find you.

14
15 Council President Praisner,
16 Councilmember Leventhal.

17
18 Councilmember Leventhal,
19 My last question is, "Did the Working Group consider the concern that's frequently
20 expressed that when we go to the State to authorize us to tax our own people for
21 purposes that there's every reason to think that the State has some obligation to pay for
22 -- such as road construction, school construction, mass transit systems, etc. -- that the
23 revenue we might raise from having a special permission from the State to tax
24 ourselves might be offset by a reduction in what the State might allocate to us out of our
25 -- you know, we're Mallenders too; and we're entitled to a substantial share of State
26 dollars. And yet the State may say, "Well, you know, they're paying for it themselves;
27 and, therefore, they'll get a little bit less for schools, roads, and mass transit. Did the
28 Working Group discuss that -- the concern about how the one might be offset by the
29 other?"

30
31 Dale Susan Rosenthal,
32 The Working Group was certainly away of that concern; however, we felt that the
33 interaction between the County and the State raised so many issues -- particularly at
34 this very "volatile," if you will, time where we're in -- that we would focus most
35 specifically on revenue sources. We're certainly aware of that concern.

36
37 Councilmember Leventhal,
38 I mean, there was a lot of good math that went into this. But was the issue of possibly
39 losing State support as a result of getting State permission to tax ourselves -- was any
40 offsetting effort made there? Was that calculated at all?

41
42 Dale Susan Rosenthal,



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1 We did not attempt to calculate some sort of reduction that could occur. In fact, I would
2 say that there was probably more discussion about the feasibility of altering certain
3 State allocation formulas to enhance what we might receive.

4
5 Councilmember Leventhal,
6 Thank you.

7
8 Dale Susan Rosenthal,
9 Thank you.

10
11 Council President Praisner,
12 Councilman Berliner.

13
14 Councilmember Berliner,
15 Thank you, Council President Praisner. My questions go to a couple things. One, I'm
16 curious as to whether or not you considered as a group congestion pricing at all in the
17 context of your transportation issues; and, if so, what you can share with us as to your
18 thoughts with respect to it.

19
20 Chad Edison,
21 Yes, we did. We definitely discussed congestion pricing and how it would be applied to
22 the County. One observation is that many of the roads that are best suited for that are
23 State-financed roads; and, as such, one of our notes is that if the State were to pursue
24 some sort of Congestion Tax, that there be a consideration of a portion of that being
25 earmarked for the County – if that were to occur. So there could be perhaps some
26 collaboration with the State on that issue, if that were ever to be introduced on state
27 roads; but we didn't see an easy way to collect it for -- specifically as it's related to local.

28
29 Councilmember Berliner,
30 Did anybody else care to speak to it, or is that the definitive answer? If so, I appreciate
31 it. Secondly, I just wanted to observe I appreciated your recommendation as it related to
32 the Recordation Tax. It is something that is obviously before this Council now. I have
33 gone on record as supporting the Recordation Tax, and it is my hope that our
34 colleagues will as well. I think it is without question the largest source of revenue that is
35 going to be before us; and, therefore, it is of critical importance. And I know that we will
36 have a future conversation with respect to the allocation of those revenues; and that's
37 important to you, and I know it's important to my colleagues. But I appreciate your
38 stepping up to that issue. It is important to hear from people like you with respect to that
39 issue as well as the Transportation Impact Tax. And, again, I believe yesterday our MFP
40 Committee, under the leadership of Chairman Trachtenberg, did adopt a 90% marginal
41 cost recovery for Transportation Impact Fees. So we feel like we've made a very
42 significant contribution to ensuring that every dollar that is associated with
43 transportation-related issues does come to the County. But, again, I want to commend



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1 you for your leadership and getting in front of these issues and advising us that this is
2 important for us to do. Thank you, Council President.

3
4 Council President Praisner,
5 Councilmember Ervin.

6
7 Councilmember Ervin,
8 Thank you. I would like to also add my voice in thanking the Committee for all its hard
9 work. But Councilmember Berliner just brought up something that I – I had my light on
10 and then I turned it off and now I turned my light back on again. And it has to do with the
11 issue of equity and how we share who pays for all of these transportation infrastructure
12 improvements. And I want to speak directly to the issue of raising the Recordation Tax. I
13 would like to be on record in saying that I'm very skeptical about taxing anything
14 \$500,000 or below. I think that we need to raise that to at least \$600,000, because we
15 know that in Montgomery County there are very few homes that you're going to sell for
16 \$500,000. Again, I think the squeeze is on working class folks. And we're going to get
17 the squeeze from the State; we're going to squeeze them again at the County. I believe
18 very strongly in the fact that we've got to pay for this somehow. But I'm looking at the
19 balance here. And I think you've done a really good job; you've given us a lot to chew
20 on. And I really appreciate all your hard work. But, again, the people in my district that I
21 represent are going to be a lot of the folks who are really going to be squeezed when
22 you're looking at all these extra ways that we're going to tax people. And so I just
23 wanted to raise that to Councilmember Berliner and the people on the MFP Committee,
24 because I am very concerned how many people will be hurt financially.

25
26 Councilmember Berliner,
27 If I could respond, Council President.

28
29 Council President Praisner,
30 Well, I'm going to call on other councilmembers. But if you want to answer specifically --
31 I think Councilmember Trachtenbeg was going to try to, too; but go ahead.

32
33 Councilmember Berliner,
34 Go ahead if you'd like to, Madame Chair. I just was going to observe that the proposal
35 that was before the committee yesterday was, in fact, the proposal that had been
36 recommended to us by the realtors -- which was to go to the \$600,000 figure. So that
37 was the proposal --

38
39 Council President Praisner,
40 Let's be clear. The realtors are not supportive of making a change; but if we are, they'd
41 recommend that it be set this way. I just want to qualify -- in Meredith's absence, I want
42 to make sure.



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1 Councilmember Berliner,
2 My statement stands; it was a proposal that was submitted as –

3
4 Council President Praisner,
5 If we felt we had to, this is what they would prefer. Councilmember Andrews.

6
7 Councilmember Andrews,
8 Thank you. Thank all of you for your hard work and your thoughtful recommendations.
9 I'd like to get some sense of what options you looked at and rejected and what –

10
11 Unidentified Male Speaker,
12 It's in the back.

13
14 Councilmember Andrews,
15 Is it? I'm sorry. I didn't see it.

16
17 Councilmember Berliner,
18 Do your homework.

19
20 Councilmember Andrews,
21 There it is, okay. Can you talk a little bit about your thinking though, and how you chose
22 what you did and rejected what you did?

23
24 William Hudnut,
25 Let me just make a general statement in answer to your question, Councilmember
26 Andrews. I don't think that we rejected anything. We just tried to prioritize. And as we
27 thought these options through – some of us were skeptical, for example, about going to
28 the State for anything. At least I was on the basis of –

29
30 Council President Praisner,
31 Experience.

32
33 William Hudnut,
34 -- my experience and the prejudice that many state capitols have against the "big
35 gorilla," if you want to put it that way. But the wisdom of the group was that we try to
36 obtain State authorization for those taxes. And the "and/or" I think is important in the
37 verbiage beyond it – it says "and/or" -- although on page 1, it just says "or." In other
38 words, you can have a mix. But we tried to use our best judgment about what was
39 fiscally desirable and politically feasible, and this is where we came out. But there's
40 nothing sacrosanct about these five recommendations, and there can be utilization of
41 other options as you see fit. And what you're going to have to do is to decide your own
42 priorities, and then try to put something together that reaches the goal of \$135 million.



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1 Councilmember Andrews,
2 Okay.

3
4 Chad Edison,
5 I would also like to add that on pages 10 and 11 of the report, we do list a number of
6 actions that could be considered further; and we indicate the reasons for those. And
7 then in Appendix D of the report, we list a number of options that seemed less viable to
8 us; but we still included the analysis of them in the report. So we'd be glad to address
9 any of those or give some illustrations if you'd like that.

10
11 Dale Susan Rosenthal,
12 And, as Ms. Praisner said earlier, you have our phone numbers and e-mails. So we'd be
13 happy to provide that information.

14
15 Councilmember Andrews,
16 We do. Thank you all.

17
18 Dale Susan Rosenthal,
19 Thank you.
20 Council President Praisner,
21 Councilmember Trachtenbeg.

22
23 Councilmember Trachtenberg,
24 Thank you, Council President Praisner. I want to start my remarks off by actually
25 thanking the committee members that are here this morning for an excellent job. I also
26 want to acknowledge my colleagues; because when this was first proposed by
27 Councilmember Floreen as an option to work with the community, it was within the MFP
28 Committee that I chair that we talked about expanding the charge and really making it
29 about much more than transportation. And I really think that the report before us speaks
30 to why that was the right thing to do. The first remark that I wanted to share this morning
31 was about the Triple A Rating. And having experienced now one trip up to New York for
32 bond rating purposes –

33
34
35 Council President Praisner,
36 Without Joe.

37
38 Councilmember Trachtenberg,
39 -- I have the sense that as long as we keep within that 10% window, it would be safe to
40 say that the rating is secure. And, obviously, it's something that's very important for us
41 to be able to continue business on the level that we do our business. The Recordation
42 Tax that was discussed yesterday within MFP – chairing the Committee, I tend not to
43 voice my opinion really until the end, allowing more for free discussion. But I have to



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1 admit after we had the worksession yesterday that I had a few discussions publicly, and
2 I made it very clear that I also had hesitation around increasing the tax. And my reasons
3 for that are twofold. One is partially related to what Councilmember Ervin has shared
4 around vulnerability, and the fact that we might be creating a higher bar for some than
5 we want to. But the other part of it, in my mind, is that the market might change -- and
6 might change in a negative way. And I feel very hesitant about making that kind of
7 change at this time. I'm not convinced that in a year or two, I wouldn't be more
8 comfortable. But I just wanted to publicly state that at this point, "I'd have to be
9 convinced." I think those were the words that I used yesterday -- last night. And in terms
10 of a question, I wondered if any of you here this morning would like to expand on the
11 conversation around public/private initiatives. I am particularly intrigued with that idea. I
12 know other jurisdictions have been exploring ways to create those kinds of partnerships
13 in order to increase revenue. And I wondered if anyone here this morning would like to
14 talk a little bit about the discussions that you had within the task force about that very
15 issue.

16
17 William Hudnut,

18 I think I'll give that a stab first, Councilmember Trachtenbeg. The first thing I think we
19 have to do is to distinguish between privatization and public/private partnerships.
20 Privatization would be when you take, for example, the janitorial services and contract
21 them out to the private sector supplier. Public/private partnerships have to do with the
22 way in which the public sector and the private sector combine in order to do a deal or to
23 work out some kind of an arrangement that's a win/win situation for both. The Indiana
24 Toll Road was sold for \$3.-something billion dollars to a private sector operator. And to
25 be honest with you, according to the information we have, the State of Indiana made
26 more off the interest from the check that it deposited in one year than they collected in
27 tolls. But it's a partnership between the two. The second thing to say is that there is
28 opportunity in many communities for monetization of public assets; that is, selling them
29 to the private sector. It might be a parking garage. It might be a toll road. Who knows
30 what it might be? But I think this is an option that's worth pursuing because right now
31 the thinking among the more creative approaches to public/private partnerships is to
32 think of creative ways in which these can be forged rather than just relying back on the
33 old, traditional way of saying, "Well, we've got to raise the general tax in order to do
34 this." And that takes a lot of work and fine tuning; but in the long run, if you work out
35 such a partnership, some funds can flow through to the public sector. The public sector
36 has the advantage of patient money. You're talking about bond issues. When we were
37 doing a \$3 hundred million project in Indianapolis during the time that I was mayor
38 there, we floated what was called at the time "moral obligation bonds" -- the thing we
39 could get rated. And we did have a Triple A Bond Rating. But the patient money comes
40 in because you don't have to pay those back in the next quarter; and nobody's looking
41 for an immediate return on that money. It's much longer -- out twenty years or
42 something like that. So in a general way, I think that the utilization of public/private



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1 partnerships, privatization, and the sale of public assets to the private sector has a lot to
2 recommend it if you're looking for infusions of capital to cut this nut.

3
4 Councilmember Trachtenberg,
5 Okay.

6
7 Dale Susan Rosenthal,
8 Did you want to add to that?

9
10 Chad Edison,
11 I would also add to that that I've seen in the transit environment some good examples of
12 public/private partnerships that have allowed for a shared benefit in redevelopment or in
13 densification of properties. I've seen examples of this where there have been shared
14 parking garages between a private sector development and a transit maintenance
15 facility, where they had overlapping needs. The needs were at different times of day for
16 the parking, and so they could share the parking. We saw examples where they had
17 shared utility plants, where they actually had a private operator for the utility plant that
18 was running the utilities needed by both the public and the private sector properties.
19 And so there are some techniques here that can help in providing the resources needed
20 to both do some of the development on the private sector side and help renew or build
21 new County facilities.

22
23 Joseph Mason,
24 Let's just add – take a little bit of a different tact here. In talking with staff and talking
25 internally, the County has done some public/private partnership types of transactions –
26 the Montgomery Conference Center, for example. I think it's our considered view that it
27 almost needs to be something that's taken back to the staff level. And it's almost a
28 culture change, if you would, that the development community – that the private sector
29 is eager to do these types of projects. And there's – on a whole variety of fronts -- there
30 are opportunities that they may have and that you may have that you can come together
31 and partner. Right now what we're seeing is it's sort of on an ad hoc basis – that
32 somebody comes up with an idea and it's studied and it's more of a dipping of the toe
33 into the water. Whereas, there may be broader opportunities there that could be
34 leveraged if it were pursued a little more actively from a land use standpoint, and so on
35 and so forth. That's really part of the core, I think, of the recommendation.

36
37 Councilmember Trachtenberg,
38 I thank you for the comments. It's, again, an area that I think is worth pursuing in future
39 conversation.

40
41 Council President Praisner,
42 Councilmember Elrich.



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1 Councilmember Elrich,

2 I also wanted to thank you all for your report. And what I really appreciated was that the
3 recommendations by and large are grounded and not pie in the sky. You could have
4 easily come back with a list of things that we could do in the perfect world, and they
5 would have no applicability to what's within our grasp. So I appreciate giving us
6 suggestions that are within our grasp. I'm interested in the long run in learning more
7 about special taxing districts done right – and particularly the benefit assessment
8 districts -- because the example that I always think of is Metro, where the public
9 investment of billions of dollars created enormous wealth around the Metro stations.
10 And had we put benefit assessment districts at every Metro station and captured some
11 of the increase in property value that was created by the public investment, we wouldn't
12 be in this mess with Metro today. We'd be expanding the system. We would have been
13 able to maintain the system. Development would have gone on and been very, very
14 prosperous. But the public would have gotten something back for its investment. And I
15 think it's important to look at as we go forward -- that where we put in a large public
16 investment that has a large private benefit, that we look at ways of recapturing some of
17 that. I'm also interested in the public/private partnership aspect of the deals you've
18 talked about. I've seen presentations where people made it very clear that one of the
19 things government could bring to the table is a less expensive access to capital. And
20 that that has a significant impact on projects. And that some governments have actually
21 been able to leverage more benefit for local government by doing that than they would
22 have gotten from the normal form of, "I will let you do this if you give me these benefits."
23 The value of government participating in long-term financing and using bonding
24 authority at the time has a significant benefit, and they're able to actually get more back
25 on the other side. And so I think we do need to look more creatively at how to generate
26 other sources of revenue, and do it in a way that's good for everybody who's playing in
27 the pool together. So I really appreciate the work you all did on this, and I look forward
28 to having more discussions – particularly about the benefit districts. I'm wondering
29 whether also you all looked specifically at how Denver financed their Rapid Transit – the
30 decision to go ahead with it. I think they call it "FasTracks." And I'm very interested in
31 how they're paying for that, because it's not off the general tax rolls.

32
33
34 Chad Edison,

35 Well, it's mostly bonds issued off of sales tax revenues that they have pledged to that
36 project. So some of it's pay-as-you-go money that's the cash that's into the system; and
37 then they've also issued bonds to pay for that.

38
39 Councilmember Elrich,

40 It would be great to see how that was actually paid out, fleshed out.

41
42 William Hudnut,



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1 I might just add that that \$4 billion plus bond issue that was voted in by the people
2 received broad-based support from the political community. There were thirty-two
3 mayors in the Metro Mayors Caucus out there in the Denver area, all of whom lobbied
4 hard and strong and long to get this particular bond issue passed. And it worked. And
5 it's a credit to the foresightedness of the people in Denver who didn't just lay back in the
6 weeds and say, "Well, we can't have a tax increase." And who knows? It may not be a
7 tax increase if they're retiring as many bonds as they bring on each year.

8
9 Councilmember Elrich,
10 It's a hundred and nineteen miles of light rail –

11
12 William Hudnut,
13 Yup.

14
15 Councilmember Elrich,
16 -- which is amazing.

17
18 Council President Praisner,
19 But from a standpoint of the task force, the issue is a Sales Tax option -- which that
20 region had available to it which we wouldn't have here as a separate, independent
21 source of revenue as a recommendation. It would be an issue either for the State or for
22 the Washington Region if it wanted to look at long-term funding or support for Metro or
23 the capitalization of the value of Metro issues. Again, it's authority we do not have at this
24 point.

25
26 Chad Edison,
27 There are some examples -- in Seattle and in some other -- Portland, Oregon -- where
28 either in the case of Seattle, vehicle registration fees were bonded as part of the way
29 that they paid for the transportation improvements. In the case of Portland, Oregon, a lot
30 of the streetcar improvements you see in Portland were funded with benefit assessment
31 districts -- as you've referred to. In some of the benefits that you see in some of the
32 smaller projects, where there are no federal funds involved, are that they can implement
33 them much more quickly and actually cut out a lot of the more expensive parts of the
34 planning process. So you see some kind of selected projects that are locally, or locally
35 and State funded, that go ahead without federal involvement and often happen faster
36 and at a smaller cost than they would if they also involved federal money.

37
38 Council President Praisner,
39 Thank you very much for those comments, Chad.

40
41 Councilmember Elrich,
42 Thank you.



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1 Council President Praisner,
2 Marc, anything else?
3
4 Councilmember Elrich,
5 No.
6
7 Council President Praisner,
8 No? We've lit up some lights of folks who've already had a chance to speak. So we'll go
9 back to them for one last comment. Councilmember Leventhal.
10
11 Councilmember Leventhal,
12 I did already have a chance, and I thank the President for giving me a second chance in
13 this dialogue.
14
15 Council President Praisner,
16 We give it to you till you get it right, George. Okay? [Laughing]
17
18 Councilmember Leventhal,
19 No, I mean this dialogue did spark additional questions, so –
20
21 Council President Praisner,
22 No, that's fine. I'm just teasing. [Laughing]
23
24 Councilmember Leventhal,
25 No problem. Number one, I thanked the task force; I neglected to thank Councilmember
26 Floreen. This was a good idea, and it sparked some future good ideas. And we're going
27 to continue to delve into those. And then number two, I guess Mr. Edison said you're not
28 going away. We've –
29
30 Council President Praisner,
31 No, Mr. Mason said that.
32
33 Councilmember Leventhal,
34 Mr. Mason said it. Well, in any event –
35
36 Council President Praisner,
37 He's not going away either.
38
39 Councilmember Leventhal,
40 Nobody's going away.
41 Council President Praisner,
42 Is nobody speaking for Mr. Edison except Mr. Edison?
43



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1 Councilmember Leventhal,
2 Mr. Mason said, "We're not going away."

3
4 Council President Praisner,
5 That's right.

6
7 Councilmember Leventhal,
8 So the question is now, from this conversation -- have sparked my interest, and I'm sure
9 other councilmembers' interest, in some specific homework assignments that I'm not in
10 a position to assign them to you. I could ask Council staff. We could urge the Executive
11 staff. But some of the specific things that it would be worth fleshing out in greater detail
12 -- and I'm sure there are many others besides these -- on this issue of the parking
13 garages -- Councilmember Trachtenbeg circulated a memo earlier this year about
14 lease/buy back arrangements with parking garages. My understanding with a lot of the
15 most popular revenue-generating parking garages in Montgomery County is that they're
16 already tied up for years; that is, they were built with bonds. The bonds are paid for with
17 parking revenue.

18
19 Council President Praisner,
20 Park View District.

21
22 Councilmember Leventhal,
23 And that if someone went in and bought that, they'd have to buy out the bonds.

24
25 Council President Praisner,
26 Right.

27
28 Councilmember Leventhal,
29 And that wouldn't leave much for County Government. That wouldn't generate a lot of
30 dollars for us. So we need not answer that now.

31
32 Council President Praisner,
33 Well, let me say, George, because I think that speaks to the "next steps" kinds of
34 questions.

35
36 Councilmember Leventhal,
37 Right -- next steps. Well, that gets to my question.

38
39 Council President Praisner,
40 And I'm going to refer the recommendations and the work to the MFP Committee just as
41 this came out of that.

42
43 Councilmember Leventhal,



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1 Yeah.

2 Council President Praisner,

3 And the point about whether there are specific things that councilmembers are
4 interested in pursuing that are not part of the specific recommendations, or where there
5 are models elsewhere –

6

7 Councilmember Leventhal,

8 Right.

9

10 Council President Praisner,

11 whether they involve authority that we have now or authority we don't -- those are the
12 follow-ups obviously that I suspect we will want to pursue.

13

14 Councilmember Leventhal,

15 Right.

16

17 Council President Praisner,

18 We obviously -- to the extent that Council, and the Committee and the Council, supports
19 or wants to pursue some of the things that require State authority -- we know what has
20 been the reaction to those requests in the past. Unless we want to get the same answer
21 that we've gotten in the past, it seems to me the question is timing, strategy, and
22 engagement of some of the folks across the table with us -- meaning our Working Group
23 -- as to the rationale for why our delegation might be receptive or not receptive to these
24 issues. But the MFP Committee will take this as a set of recommendations and kind of
25 flesh them out.

26

27 Councilmember Leventhal,

28 Could I reclaim my time for just another thirty seconds?

29

30 Council President Praisner,

31 Sure. Go right ahead.

32

33 Councilmember Leventhal,

34 Actually, if I'm remembering right on the Vehicle Registration Fee, the General
35 Assembly was willing to give it to us. It was Governor Ehrlich who vetoed it; isn't that
36 correct?

37

38 Unidentified Male Speaker,

39 Yes.

40

41 Councilmember Leventhal,

42 So we have a new governor now. So there's some opportunities here.

43



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1 Council President Praisner,
2 Well –
3
4 Councilmember Leventhal,
5 Yeah.
6 Council President Praisner,
7 -- but there were a variety of other issues.
8
9 Councilmember Leventhal,
10 Yeah.
11
12 Council President Praisner,
13 The question is the dynamics at this point –
14
15 Councilmember Leventhal,
16 Okay.
17
18 Council President Praisner,
19 and whether folks might be receptive.
20
21 Councilmember Leventhal,
22 Two more quick points.
23
24 Council President Praisner,
25 Sure.
26
27 Councilmember Leventhal,
28 And then the reservation was raised about benefit assessment for transit lines, which is
29 potentially very appealing. The issue there, of course, is if the view is that a new transit
30 line both adds value to existing property and adds capacity and opportunity for new
31 development – and if we're interested in having a special assessment to pay for the
32 transit line to recapture some of the new economic value -- we also have to allow some
33 of that economic activity. We can't at the same time say, "We don't want the economic
34 activity, but we're going to tax it." We have to allow it before we tax it. So I'm interested
35 in it, but we have to then have it happen.
36
37 Council President Praisner,
38 Well, that's part of the conversation that we'll continue to have.
39
40 Councilmember Leventhal,
41 I just wanted to make that point.
42
43 Council President Praisner,



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1 Okay.

2
3 Councilmember Leventhal,

4 And then the final point is, I'm very glad that the Montgomery County Chamber of
5 Commerce is here represented in the audience. I thought it was terrific. And I know
6 there is zero connection between the U.S. Chamber of Commerce and the Montgomery
7 County Chamber of Commerce; but I wanted to make this point anyway. There have
8 been a couple of really good things in the paper recently on this topic of infrastructure.
9 One was an outstanding Op-Ed written by Councilmember Nancy Floreen that I just
10 want to commend to everybody's attention. I thought it was really great. And the other
11 one was an Op-Ed by Tom Donohue, the President of the U.S. Chamber of Commerce
12 – which the U.S. Chamber of Commerce for many, many years advocated reductions in
13 federal income taxes. And then there was a Letter to the Editor of the Washington Post
14 that pointed out the national business community is now in the place where we are
15 recognizing how we've paid the price. For years of rhetoric about tax cutting, we're not
16 paying the bills. So you can put off these infrastructure obligations for a long, long time;
17 but eventually the chickens come home to roost. And here we have one of the most
18 anti-tax voices in the dialogue – the U.S. Chamber of Commerce – saying, "You've got
19 to raise taxes to fix infrastructure. We can't let the infrastructure crumble." On that point,
20 when we're talking about recordation taxes, when we're talking about Growth Policy,
21 when we're talking about whether it's gasoline tax or whatever else, we need to have
22 engagement from the local business community that understands that we've got to have
23 the infrastructure. We're not going to do this – and I'm done now –

24
25 Council President Praisner,
26 I hope so.

27
28 Councilmember Leventhal,
29 -- without having the revenue.

30
31 Council President Praisner,
32 I'm going to let the lights that are on – since they're all folks who have spoken already –
33 have a chance at five/ten seconds of comments. We're not going to go longer than that
34 with this group because we have plenty of time to interact with them in the future. And
35 we can go round and round; and we'll be back here at 1:30 for a public hearing, and
36 we'll be meeting ourselves. So you have fifteen/twenty seconds of comments each.
37 Councilmember Andrews.

38
39 Councilmember Andrews,
40 Thanks. One of your goals is to reduce the amount paid by nonresidential owners –
41 residential properties. You show that the amount went from 21% to 16% -- paid by
42 nonresidential users; and you want to see that trend go back up, right? If you look at
43 page 16, you have a chart that shows where the money comes and the percent --



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1 residential percent/nonresidential. The Energy Tax produces the greatest percent that
2 comes from nonresidential users; 72½% are nonresidential. But I didn't see any
3 discussion about the Energy Tax. You talk about the Gas Tax, but that's not what our
4 Energy Tax applies to. For the Gas Tax and the Sales Tax on Gas and the vehicle
5 titling, we'd have to go to the State. So was there any discussion about the Energy Tax
6 as a way to increase the share paid by the nonresidential sector – which you cite as one
7 of your goals?

8
9 Dale Susan Rosenthal,
10 I don't believe we focused on that really as an option.

11
12
13 Joseph Mason,
14 When we looked at the revenues generally, we viewed that as sort of a true, general
15 revenue; and our focus was really on –

16
17 Dale Susan Rosenthal,
18 Infrastructure.

19
20 Joseph Mason,
21 -- what sorts of taxes could be dedicated directly to – and “dedicated” being the
22 operative word – as you sit and make your deliberations and how to carve up some –
23 any incremental revenue, our view is that those resources be dedicated to the purposes
24 outlined in our report.

25
26 Chad Edison,
27 Councilmember Andrews, the Commuter Parking Tax is one that would have had an
28 impact more on the nonresidential side of the equation.

29
30 Councilmember Andrews,
31 Mm-hmm. Right. Okay.

32
33 Council President Praisner,
34 Councilmember Berliner.

35
36 Councilmember Berliner,
37 I was struck on page 9 of your report -- when you were talking about maintaining our
38 Triple A Rating, you observed that the County limits its debt service cost to 10% of
39 General Fund revenues; and then, “The County is currently below that level of debt in
40 FY-08.” Is your implicit suggestion that the County be more aggressive than it's been
41 with respect to the use of its debt capacity?

42
43 Dale Susan Rosenthal,



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1 I think we began the conversation thinking that we wanted to maximize the use of that
2 GO debt, since it's generally acknowledged to be the least expensive form of debt. Over
3 the course of our deliberations, the Council in fact adopted a measure to move up to
4 that 10%. So really, we were endorsing moving to the 10%; I believe it's just about at
5 that now.

6
7 Councilmember Berliner,
8 Thank you.

9
10 Council President Praisner,
11 Councilmember Elrich.

12
13 Councilmember Elrich,
14 I just wanted to reassure George that I understand perfectly well that if I'm going to fund
15 transportation with an infrastructure tax, something's going to have to be built or
16 economic activity is going to have to occur in order to make that possible. I just think
17 there needs to be a link between the two.

18
19 Council President Praisner,
20 Councilmember Floreen.

21
22 Councilmember Floreen,
23 Well, as our conversation reflects, this is a very timely issue; and so all the more reason
24 why your report is so welcome. And I think the mood of the locals of the State and of the
25 national government and the community at large is very interested and is beginning to
26 be more accepting of these initiatives than may have been the case previously. Mr.
27 Edison, you referred to something that caught my ear; which was someplace you said
28 that they'd used vehicle registration fees as a bonding resource for other infrastructure. I
29 guess I'd ask staff to work with Mr. Edison to find out what else is out there as
30 mechanisms for bonding authority. That's been an issue that we've struggled with over
31 the past few years, and I think it is an important element of how we look to: (a) satisfy
32 our Triple A requirements while at the same time looking for ways to bond authority. It's
33 an issue with the Washington Suburban Sanitary Commission. They took it up with us
34 the other day as to a proposal for funding their infrastructure needs that does not
35 impinge on the County's bonding authority. So that's where certainly the public/private
36 partnerships come into play as well. But any mechanism that can be looked at that
37 satisfies the bonding agencies' concerns and our own County conservatism on the
38 subject, I think is a welcome avenue for further resource. So that's something I'd ask
39 that we look into a little bit more, Jeff. I'd just say I would hope that – I know that the
40 MFP Committee will look into this in great detail. I am hopeful that this will inform our
41 decision making, as we think about ways to move forward to address our most pressing
42 needs. And I'm hopeful that we can move forward on as many of these initiatives as
43 humanly possible, because I think the time is right. So thank you; thank you; thank you.



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1
2 Council President Praisner,
3 Councilmember Trachtenbeg.

4
5 Councilmember Trachtenberg,
6 Just a quick remark to colleagues -- which is, as the Council President has indicated,
7 we will be taking the report up within committee; and I would suspect that isn't going to
8 happen until November -- maybe December -- given that our October schedule is pretty
9 much jam packed. But what I'm going to suggest to colleagues is I'll circulate a memo
10 asking for comments, because I think there are several areas to go in conversation that
11 really go beyond the recommendations that were made in the report itself. And so that
12 will give councilmembers an opportunity, I think, to help frame part of the discussion
13 we're going to have.

14
15 Council President Praisner,
16 Good. I appreciate the fact that all of you -- or at least Joe -- has indicated that he's
17 available. And I suspect that as I said, we have your zip codes, e-mails, addresses,
18 phone numbers. We know where you are, and we can find you. As I also indicated, to
19 the extent you're talking about more authority -- especially as it relates to the State level
20 -- I think Bill's made the point about the way the states have jealously guarded authority
21 that they deem exclusively theirs. And there are examples in this country of other states
22 where those authorities are shared. That doesn't necessarily mean that the state you're
23 living in is going to be receptive to it. But to the extent we're talking about authority and
24 enabling legislation -- having folks who continue to make those recommendations and
25 task forces who have made those recommendations in the past -- it would be helpful to
26 be able to call on you and also to share the report. I think what I'd like to do, Jeff, is to
27 get copies of the report that we would put a cover letter on and send to members of our
28 delegation that would alert them to some things that they might be interested in that
29 we're looking at. I think that would be helpful. And then through us, they can contact
30 members of the task force if they have additional questions. Clearly there are issues
31 that we're already familiar with -- like the 10% limit, which we've maxed out, as one of
32 the indicators that are used and that folks like Fitch and Moody's and S&P have
33 prepared significant documents to guide local governments as to what are the things
34 they look at. It's always -- you'll know it when you see it. But there are indicators and
35 there are measures, and the 10% relationship to the Operating Budget is one of those
36 measures. And clearly the Recordation Tax and some of these other issues -- like the
37 public/private partnership -- are things that we've done. I really appreciate the point you
38 made, Joe, about our being perhaps ad hoc about that and having to be more focused,
39 aggressive, and proactive about some of these issues. That's what I take from your
40 comments. And Mr. Edison -- Chad, if I may -- the comments about exploring some of
41 the other initiatives that other folks have used, whether they're private/public
42 partnerships or some of the leveraging that you've talked about. Those are the things
43 that I think we want to continue to explore, while maintaining the kind of status that we



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1 have as a Triple-Bond-rated community and one that is fiscally prudent as it approaches
2 some of these approaches. We don't want to have the kind of bonds that aren't worth
3 anything or that you can wallpaper your bathroom with on a good day. So I want to
4 thank you for your involvement. We do have some certificates of appreciation that I'd
5 like to give to you and ask our staff to convey those to members who were not able to
6 join us. But we will continue to work with you on that. And if before we adjourn I can do
7 that, I'd like to do so.

8
9 Joseph Mason,
10 Madame President?

11
12 Council President Praisner,
13 Starting with you, Dale. This is a certificate of recognition and appreciation for your
14 commitment and dedication as Chair of the Working Group on Infrastructure Financing
15 for County Government Facilities.

16
17 Dale Susan Rosenthal,
18 Thank you so much.

19
20 Council President Praisner,
21 Thank you so much. [Applause]

22
23 Joseph Mason,
24 Madame President, may I say that the Council's wisdom in choosing Dale as Chairman
25 was tremendous. There's the old expression about herding cats, and I think that's apt
26 here.

27
28 Dale Susan Rosenthal,
29 Thank you. Very smart cats. Very smart cats.

30
31 Council President Praisner,
32 But obviously there was some judgment in having all of you participate. So, Joseph
33 Mason – Joe, thank you so much. [Applause]

34
35 Joseph Mason,
36 Thank you.

37
38 Council President Praisner,
39 Let's see. I have William Hudnut. Thank you so much. [Applause] Chad Edison, thank
40 you so much. [Applause] And Arthur Spengler – so official. Thank you. [Applause] And
41 we do have certificates for the others – Mr. Dunphy and Mr. Eisig – who couldn't join us
42 today.



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1 William Hudnut,
2 I'll take his -- I'll take Dunphy's.

3
4 Council President Praisner,
5 And I also want to take a moment to thank the non-voting members – Roselle and Jeff
6 and Jennifer Barrett – for their participation and involvement. Obviously whenever we
7 create a task force or a working group, there's a lot of staff support and expectations.
8 And I think they served us very well as well.

9
10 Dale Susan Rosenthal,
11 Outstanding.

12
13 Council President Praisner,
14 Thank you very much. Thank you all. [Applause]

15
16 Councilmember Leventhal,
17 Madame President, I have a point of personal privilege – just a point of personal
18 privilege before we adjourn.

19
20 Council President Praisner,
21 Sure.

22
23 Councilmember Leventhal,
24 I just please want to be recorded in the affirmative. I took a phone call during the
25 Resolution extending the time for the Hearing Examiner's Report –

26
27 Council President Praisner,
28 Oh, fine.

29
30 Councilmember Leventhal,
31 If I could just be recorded in the affirmative on that.

32
33 Council President Praisner,
34 Sure. Duly noted. We are adjourned until 1:30 p.m.

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**TRANSCRIPT
October 16, 2007**

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Marilyn J. Praisner, President	Councilmember Michael Knapp, Vice President
Councilmember Phil Andrews	Councilmember Roger Berliner
Councilmember Marc Elrich	Councilmember Valerie Ervin
Councilmember Nancy Floreen	Councilmember George Leventhal
Councilmember Duchy Trachtenberg	



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1 President Praisner,

2 This is a public hearing on Zoning Text Amendment 7-13, which would amend the
3 Zoning Ordinance to allow planned development zones on certain commercially zoned
4 sites in or adjoining a central business district; provide a standard for commercial
5 density and PD zones -- planned development zones; remove the requirement in the
6 planned development zones that development inter-joining a central business district
7 must comply with the use recommended in a master of sector plan; and generally
8 amend PD zones. Persons wishing to submit additional comments should do so by the
9 end of business October 19, 2007, so that your views can be included in the material
10 which staff will consider for Council consideration. I think the PHED committee work
11 session when this was prepared was scheduled for October 29th, but given the special
12 session may be modified. So please call (240)777-7900 to confirm when this item will
13 be scheduled. First two speakers are Rob Klein for the County Executive, and Linna
14 Barnes for the Town of Chevy Chase. Planning Board is not testifying on this yet?

15
16 Dr. Hanson,

17 We can testify. We haven't been able to get the letter to you because I haven't been at
18 the office to sign it for two days.

19
20 President Praisner,

21 Okay. Well if you want to -- .

22
23 Unidentified,

24 [Inaudible] something else.

25
26 President Praisner,

27 If you want to join us at the table as the third person, Royce, that would be great. Mr.
28 Kline you're first.

29
30 Mr. Klein,

31 Council President Praisner and members of the County Council, my name is Rob Klein.
32 I am Director of the Wheaton Redevelopment Program. I'm here to provide testimony
33 regarding Zoning Text Amendment 7-13 on behalf of the County Executive. Proposed
34 Zoning Text Amendment 7-13 will modify Chapter 59 to permit the planned
35 development zone to apply in limited areas zoned for commercial use within or adjacent
36 to central business districts. While the commercial zones to which this would apply
37 allows some residential use, the effected zones do not allow the type of residential
38 development that you would find in mixed-use development of the nature that we want
39 to see in and adjacent to our central business districts. Realistically mixed-use
40 development is important to both the ability to realize more affordable housing and to
41 implement -- an implementation of smart growth precepts, concentrations of
42 development in and around our CBD's projects our -- protects our less intensely zoned
43 areas and capitalizes on existing infrastructure. The type of mix-use development that is



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1 contemplated by Zoning Text Amendment 7-13 is necessary to enliven our Wheaton
2 Urban District by bringing residential and other uses to the area. In contrast, in the
3 Wheaton area, the justification for current commercial zoning classification addressed
4 by Zoning Text Amendment 7-13 goes back almost 30 years to language in the 1978
5 sector plan. It was meant for a very different kind of Wheaton. While Zoning Text
6 Amendment 7-13 will have operability in all county central business districts, it is limited
7 in scope. It does not permit increased density or an increase in building height. Only
8 through range of uses expanded to include residences. A newer project could not be
9 larger or taller than what is current permitted, and compatibility with surrounding land
10 uses must be met. Re-designation to include a planned development zone onto a
11 commercially zoned area must still proceed through normal county developmental
12 processes. Zoning Text Amendment 7-13 opens the door to smart growth projects. It
13 does not guarantee project approval. Further, it will allow Wheaton to benefit from the
14 development it has so long awaited and needs. The Zoning Text Amendment is firmly
15 supported by the Wheaton Urban District Citizen Advisory Committee, the Wheaton
16 Urban Citizen Advisory Redevelopment Committee, and the Mid County Citizen
17 Advisory Board. These committees are here this afternoon or have provided letters of
18 support for this legislation, and in turn to support a more vibrant and active community
19 with the true mix of residence, businesses, office workers, entertainment venues, and
20 other features that make a real downtown experience. Thank you for your consideration.

21
22 President Praisner,
23 Thank you. Linna Barnes.

24
25 Ms. Barnes,
26 Good afternoon. I'm Linna Barnes and I'm the Mayor of town of Chevy Chase. And I'm
27 today also to speak to you about ZTA 7-13. And I have to say you have my testimony in
28 front of me, and this is somewhat of a moving target that changes. I know that our
29 attorney has been talking extensively with your staff, and so we know changes are
30 going to be occurring. And really just want to make two points that are in line with the
31 letter, which was sent to Council President Praisner last week. First of all, we want the
32 legislation -- the ZTA to be drafted very carefully so that it doesn't overlap in areas
33 where it was not intended. I think there are C2 areas that adjoin the town that we are
34 concerned about and we want to make certain it doesn't apply there. Just speaking with
35 Mr. Humphrey, I think there may well now be CO districts along Pearl Street because of
36 the issue of adjoining the CBD, which has been added to the language. And so there
37 are Pearl streets which back to -- Pearl Street and Montgomery Avenue back to the trail.
38 And there might be a lot there that this might affect. We really want to be aware of what
39 is happening and be in the process in talking to everyone. Secondly, we do want to
40 state the town has -- really does support the sector plan idea that has developed in
41 Montgomery County, and indeed the Bethesda sector plan. And we really want to see
42 these plans adhered to. They were really put together with a lot of work from a lot of
43 people, and with citizen input in everything, and that's really certainly our preferred way



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1 in which zoning will occur in the County. And finally, I'm here to urge you, as I'm sure
2 you're all aware, to really get to the job of the zoning ordinance rewriting. I know the
3 Planning Board that's high on their list, but I hope it's high on everyone's list because
4 the zoning really is very difficult for anyone to work with in this county. And so I know
5 that that is high on your list and on the Planning Board's list. And I hope it gets done
6 soon. So all that said, thank you very much for hearing me today. I appreciate the
7 opportunity.

8
9 President Praisner,
10 Thank you. Dr. Hanson.

11
12 Dr. Hanson,
13 Thank you, Madam President. The Planning Board will have a letter for your file and the
14 staff report along with it. The board divided 2-2-1 on this; therefore leaving the staff
15 report -- the operative document. The two who voted in favor of the amendment felt that
16 it was an attractive idea and seemed to be appropriate for Wheaton area. And the two
17 us who voted against it basically had three reasons. One, the plan development zone is
18 a floating zone. From its inception it has been applied where recommended by master
19 plans. This text amendment, like others that we have been concerned about, is
20 essentially master planning by text amendment, and did not seem to us to be the
21 appropriate way to go about it. The third reason was that it establishes a basic conflict
22 with the subdivision regulations. By removing the requirement that the zoning for this --
23 under this plan development could occur notwithstanding that it was not recommended
24 by a master plan, will allow the Council as District Council to approve the rezoning. But
25 when the applicant comes forward with a subdivision regulation, the first requirement in
26 the subdivision regulations is that it must substantially conform to the master plan. So
27 not the best of all possible ordinances.

28
29 President Praisner,
30 Thank you, Dr. Hanson, for highlighting some of the challenges of both our zoning
31 ordinance and ZTA ways of rewriting our zoning ordinances.

32
33 Dr. Hanson,
34 Well as you can see it was -- it was an easy decision for the board.

35
36 President Praisner,
37 I appreciate it. There are a series of lights, and so I'm going call on my colleagues. And
38 then I have some comments about some issues related as well. Councilmember
39 Berliner.

40
41 Councilmember Berliner,
42 You -- Mr. Klein, you made some reference to how long it had since Wheaton sector
43 plan had been revised; could you -- I missed the number. When was that?



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1
2 Mr. Klein,

3 The last revision was 1990. Okay, and what I refer to in the testimony was 1978 where
4 text was taken verbatim regarding the commercial zone.
5

6 Councilmember Berliner,

7 So Wheaton is currently operating, if you will, with respect to these set of issues from a
8 1978 -- .
9

10 Mr. Klein,

11 In terms of the commercial zoning.
12

13 Councilmember Berliner,

14 In terms of commercial zoning. And I don't if it's possible and so I'll ask Dr. Hanson; as I
15 appreciate a part of your frustration is the fact that it hasn't been update more recently.
16 And I know Dr. Hanson has incredible workload that we add to on an hourly basis. My
17 question is it seems as if the part of the desire to move in this irregular manner is that
18 the regular manner isn't working either.
19

20 Dr. Hanson,

21 That's correct. It has been a long time since we've taken a look at that plan; it is on our
22 schedule. But it is not on the schedule in the immediate future. Now one of the things
23 that we may want to talk about later this afternoon, and one that I have recommended to
24 you in the budget letter, is that we begin to establish a small group within the staff that
25 can address master plan issues where we have a problem that needs to be addressed
26 that maybe deals with a site or maybe two or three properties where the master plan
27 when originally drafted didn't contemplate any change in those properties over a long
28 period of time and now it seems for many good reasons that change is appropriate. But
29 that might -- it doesn't help in this immediate instance probably unless you amend our
30 work program right away.
31

32 Councilmember Berliner,

33 I guess my bottom-line question is if you had -- when would be the earliest that you're
34 currently contemplating getting to updating that?
35

36 President Praisner,
37 December 2009.
38

39 Councilmember Berliner,
40 December 2009 is when.
41

42 President Praisner,

43 Right. It's on our work plan -- it's on their work plan with that date.



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1
2 Dr. Hanson,
3 Yeah, basically we would expect -- .

4
5 President Praisner,
6 2009 -- December.

7
8 Dr. Hanson,
9 Where are we? Down here. Yeah, we would expect it to -- April 2009 basically.

10
11 President Praisner,
12 Yeah, we're delaying Kensington in order to accelerate Wheaton.

13
14 Councilmember Berliner,
15 Thank you, Mrs. Chairman.

16
17 Dr. Hanson,
18 The idea of the small amendment approach is that you could take things out of turn. So
19 you could move on something before going through the whole master or sector plan
20 process.

21
22 President Praisner,
23 Well, I don't want to have this be a work session with the planning board about their
24 work plan, et cetera. And we will have a more in-depth conversation about the master
25 plan process, et cetera. Let's try and focus questions towards the folks who are here to
26 testifying. And we have two more groups to come up on this Zoning Text Amendment.
27 Councilmember -- Vice President Knapp.

28
29 Vice President Knapp,
30 [Inaudible]

31
32 President Praisner,
33 Okay, Councilmember Floreen.

34
35 Councilmember Floreen,
36 Thanks. Technical question, Mr. Kline and Jeff if you take a look at the language. I don't
37 even know how this achieves what you intend it to achieve. Under lines 10 through 12
38 of the language it says you can't use this unless it's in a commercial property that
39 recommends a residential density. So maybe I'm -- maybe I'm just tired from this
40 morning, but I think -- I don't think that this is consistent with your fundamental intent. I
41 take a special interest in this because I think I precipitated this because we had a
42 zoning case a while back where I was the one that pointed out you can't use PD zoning
43 unless it's recommended for residential in the master plan. And so from what I gather, I



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1 stopped a variety of applications proceeding. And I think it's important for us to be
2 honest about what we're doing and to be straight forward about it; and I'm glad we're
3 looking at this issue now. But do I think -- I am a little puzzled by the Planning Board
4 prospective on this, and that you're divided is evidence of the fact that there is some
5 different views. The real issue -- if -- and so I'd ask the Planning Board just to think
6 about this; if you are working on mixed-use kinds of concepts throughout the County all
7 we hear from you is talk about commercial uses and mixed residential ya-de-da-de-da
8 (sic). And I don't know why this would not be a platform to test it out on. I know from
9 communities like Chevy Chase, this is the matter of some concern. But in any event
10 what this provides for is limits on density as well. Which I think is what the neighborhood
11 concern is, and works in community engagement at the appropriate times and levels.
12 So I would urge people to give some thought to this. If we're going to wait for a master
13 plan, we'll be talking with the Planning Board later about their work program. But I think
14 it's at least worth thinking about how we achieve this and with the appropriate kinds of
15 community engagement and move housing initiatives, which are on many peoples'
16 minds forward. And so I obviously have some feelings about this. But I do think perhaps
17 there's a need for some further community engagement on this subject. But
18 nonetheless, I would say given what we understand from the Planning Board's thinking,
19 Linna, you're going to see this in one form or the other. And I think -- .

20
21 Ms. Barnes,
22 But perhaps with more community involvement.

23
24 Councilmember Floreen,
25 Yeah. And so make that observation and ask you all to give this some thought as we
26 work through.

27
28 President Praisner,
29 Councilmember Elrich.

30
31 Councilmember Elrich,
32 I was just going to add that I'm very interested in what you all are interested in bring
33 forward as an alternative process. I don't like the idea of doing this via ZTA. I do want a
34 process that maximizes community involvement. And so I'm interested in proposals
35 you're all going to bring to us.

36
37 President Praisner,
38 And I just want to comment that whenever we get a ZTA that is crafted with some
39 specific area in mind, I'm always anxious to know what the implications are throughout
40 the County and therefore I hope for whenever the committee the discussion is that we
41 have that in front of us. Second, I have a little concern because when we did some
42 modifications in Wheaton relatively recently, then Councilmember Perez and I, when the
43 community raised concerns, made a general commitment that we were looking at this at

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1 the previous action as a placeholder until the master plan amendment came forward. So
2 although folks in the community may be enthusiastic about this for a specific site, I am a
3 little concerned about the fact that we're not doing what we said we would do by having
4 the broader review of the Wheaton central business area, which is, in my view, long
5 overdue. So I hope we'll have that conversation as well. And the third comment I would
6 make is that the Council has been pushing through the PHED Committee for a
7 modification to the master plan process that allows you to look at more than one parcel,
8 but less than maybe a bread box but not the kitchen, and to give us a mechanism of
9 doing that in a much more abbreviated fashion than the 18 months to 3 years that's
10 been associated with the master plans, especially whether it's the sector plan, a master
11 plan, it seems to take that amount of time no matter what size area we're talking about.
12 Finally, there have been comments about that this is not intended to increase density
13 but just to allow the shape -- and not even really to change the shape but to change the
14 use. I don't think that's clear in the language in front of us. I think the references to the --
15 in section 121B and in 714F, those areas are not clear enough. And I would ask staff to
16 look -- I have a couple of thoughts as have others who have worked on this issue. But
17 do I think it raises some questions of Planning Board staff I think we have raised as
18 well. So thank you all very much. We'll call the next group. David Fraser-Hidalgo for the
19 Wheaton Urban District Advisory Committee, Matt Schmidt for Wheaton Redevelopment
20 Advisory Committee, Harold Weinberg for Miles Realty, Jim Humphrey for Montgomery
21 County Civic Fed, and Jody Kline as an individual. And the Wheaton Urban District
22 Advisory Committee is first. Do we have everybody here? Yes. Okay. David. Push the
23 button in front of you, please. Thank you.

24
25 Mr. Fraser-Hidalgo,

26 I wanted to say thank you very much for allowing me to come and speak to everyone.
27 As you said, my name is David Fraser-Hidalgo, I'm with Wheaton Urban District
28 Advisory Committee. We in a nutshell are very much in favor of this plan for the basic
29 reasons that we already have talked about. The sector plan hasn't been updated since
30 1990, and the thought of waiting another two or three years for it to be updated for a
31 project like this to move forward is just discouraging for Wheaton because we feel that
32 Wheaton has waited a long time, and it's -- we're in throws of redevelopment now, and
33 this is a big project for us to help move Wheaton forward and help redevelop Wheaton.
34 This is a smart growth policy moving forward, and it also frees up a great parcel of land
35 in Wheaton at the corner of Wheaton and Georgia Avenue for further development --
36 further redevelopment of Wheaton. So for us the idea of a great project like this going
37 away because we are unable to adapt and make some changes is just difficult for the
38 community, the residents and the business owners of Wheaton to deal with. Just having
39 to wait another two or three years and then start a process all over again when this
40 process is basically ready to go now. So at our last meeting we voted unanimously with
41 one abstention in favor of this Zoning Text Amendment. And that is our position. We
42 strongly encourage to you move forward with it. Thank you.



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1 President Praisner,
2 Thank you. Mr. Schmidt.

3
4 Mr. Schmidt,
5 Good afternoon, Madam President and members of the County Council. My name is
6 Matt Schmidt. I'm the acting chair for the Wheaton Redevelopment Advisory Committee.
7 And I'm providing testimony on behalf of the committee in support of Zoning Text
8 Amendment 7-13. Although not envisioned by the current sector plan this legislation
9 allows for a type of development this committee and much of the Wheaton community
10 desires for Wheaton -- mixed-use projects. This combination of having more people
11 living in and around the core downtown business area helps pave the way not only for
12 future development but also provides more foot traffic for the existing businesses that
13 are so important to the economic culture of Wheaton. Mixed-use projects, which the text
14 amendment would allow, are a part of a vision developed by the community's key
15 stakeholders with the assistance of the National Main Street Center, the County and
16 Park and Planning itself. Our committee has extensively reviewed this proposed
17 legislation. In particular, we have examined how proposal promotes the goal of a
18 Wheaton redevelopment. We believe this legislation represents an important step
19 forward in the redevelopment of Wheaton bringing mixed-use to the urban core and
20 providing opportunities for additional transit-oriented development. The committee
21 agrees ultimately longer term prospects for Wheaton will be better served by the urgent
22 completion of a new sector plan. In the interim however, this text amendment can
23 enable mixed-use development the [inaudible] Bay project for example, to being in
24 Wheaton immediately. This residential-retail project within walking distance of Metro is a
25 wonderful example of some of the changes that Wheaton needs. Furthermore, it can
26 provide the impetus for the potential development of additional transit-oriented
27 development such as the existing Safeway supermarket site, which sits across the
28 street from Metro. In conclusion, the committee believes that Wheaton must change in
29 order to survive and grow. The Wheaton Redevelopment Advisory Committee strongly
30 supports enactment of this text amendment as a critical step towards Wheaton's future
31 development. Thank you.

32
33 President Praisner,
34 Thank you very much. Mr. Weinberg.

35
36 Mr. Weinberg,
37 Good afternoon. My name is Harold Weinberg and my family owns the property located
38 on 2401 Blue Ridge Avenue in Wheaton, Maryland. We have about 5500 square feet of
39 land with an existing four-story office building on that land. We've operated our
40 business, Miles Realty Company, from this location for more than 40 years and we have
41 15 business tenants in our building. Our building will be surrounded on three sides by
42 the development in the planned unit PD zone if this Zoning Text Amendment is adopted,
43 and we and our tenants will be profoundly impacted. I oppose the text amendment both



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1 as introduced and with the amendments recommended by the Planning Board staff.
2 First, my property is surrounded by the proposed Avalon Bay Project on three sides.
3 The only property line adjacent to the project is the road frontage along Blue Ridge
4 Avenue. There has been no opportunity for consideration in the master plan as to how a
5 PD zone might affect our property from the perspective of compatibility, traffic,
6 circulation, parking or building height. The current master plan does not consider how a
7 PD development will affect the broader community with respect to roads, schools, public
8 amenities or open space. Secondly, from talking with Park and Planning, I'm of the
9 understanding that the Wheaton Sector Plan would be under review early next year.
10 Under current law the County Council cannot rezone to a PD zone unless
11 recommended in the master plan. The proposed amendment removes that requirement.
12 It is bad planning to sidestep a master plan process through a Zoning Text Amendment
13 especially when the master plan would be reviewed in the very near future. Thirdly,
14 there are a number of communities now affected by this text amendment who had no
15 notice that their neighborhoods potentially would be substantially rezoned, including
16 Silver Spring, Bethesda, Chevy Chase. Those communities, like Wheaton, went through
17 extensive and deliberate master planning efforts and the master plans adopted by this
18 Council should not be materially changed through a Zoning Text Amendment without
19 input from those stakeholders. Fourth, and last, the PD zone requires a rezoning
20 approval from the Council. Because the master plan has not considered the Wheaton
21 site for PD use, there are no master plan recommendations for overall density,
22 compatibility with adjoining uses, the location of uses within the PD application itself, or
23 the location of public uses such as open spaces or street dedication. This makes any
24 decision on a rezoning highly subjective and, in my opinion, bad planning. For all the
25 reasons given, please vote against this Zoning Text Amendment. Thank you.

26
27 President Praisner,
28 Thank you very much. Mr. Humphrey.

29
30 Mr. Humphrey,
31 Good afternoon. I'm Jim Humphrey representing the Montgomery County Civic
32 Federation as Chair of the Planning and Land Use Committee, and the federation's
33 Executive Committee at its September meeting and the full delegate assembly at our
34 October meeting voted unanimously to oppose passage of this legislation. We have a
35 position of record to in opposing master plan by ZTA. Because of -- in part because of
36 the unintended consequences of such actions when one tries to amend building
37 standards to allow a specific project to go forward, in this case the Avalon Bay Project
38 on Georgia, Blue Ridge and Wheaton, one has to include other properties or one risks a
39 judicial challenge as being spot zoning. In this case planning staff realized that it applied
40 to property C2 zoned properties that they did not intend it or didn't consider it advisable
41 to apply it to in Bethesda and Wheaton, and so their recommendation is to strike the C2
42 zone qualifier. However at that point it only left the Avalon Bay property as qualifying.
43 So they had to add other -- another qualifier to add other properties that this could apply



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1 to as a class to withstand judicial review. That's when the word confronting, which Ms.
2 Barnes -- Mayor Barnes meant to say and not adjoining; adjoining is there -- confronting
3 a central business district was added. And because of that now the Planning staff
4 recommendation would apply the ZTA to an additional property in Wheaton, three new
5 properties in Bethesda, and three new properties in Silver Spring. Those zoners have
6 no idea that a change in their building standards is being considered right now. We
7 have a problem also with the density language because as is introduced it allows the
8 highest density recommended in the master plan, of course in Wheaton and Bethesda
9 that's CBD3, which is an 8FAR gets you up to 173 feet; what was meant was the
10 highest density recommended for the property in the applicable master plan. But that's a
11 part of the unintended negative consequences of writing these things on the fly to apply
12 to specific projects. We also believe that this is a fourth way of doing zoning in the state
13 of Maryland. In Maryland you do zoning [inaudible] recommendation in the master plan
14 or through change in the state. Showing a change that has occurred in neighborhood
15 that justifies application of a different zone than that recommended in the master plan or
16 by showing a mistake was made in the application of the original zoning. This is the
17 fourth way of doing zoning. Recommending it in the master plan and then in the zoning
18 ordinance allowing another different zone category to be applied to a property. This is a
19 hybrid we've never seen before. And finally, as Chairman Hanson pointed out in the
20 discussion before the Planning Board, they believe that the language that dismisses
21 compliances with the master plan when the preliminary plan for this project comes back
22 to them, as Chairman Lynch said, it constitutes a nullity. I believe Chairman Hanson's
23 exact words were, I don't know about that, but it's at least an ambiguous situation that
24 the board would be confronted with having to find compliance with the master plan that
25 provides no language for PD use, a preliminary plan and being able to dismiss it during
26 a rezoning. I think that pretty much sums up the problems we have with it, but you can
27 see the slippery slope that these ZTA's that accomplish master planning send us down.
28 Thank you.

29
30 President Praisner,
31 Thank you, Mr. Humphrey. Jody Kline.

32
33 Mr. Kline,
34 Good afternoon. Jody Kline, Attorney with the law firm Miller, Miller and Camby
35 [inaudible] 200B Monroe Street in Rockville. Why are we here? Well, Ms. Floreen
36 actually put it in the proper historical context because your resolution last year in zoning
37 application G841 which was for a PD zone in the Shady Grove area, if you remember
38 that. You concluded that it was not appropriate to rezone the property, which was then
39 zoned C2. And the argument was because housing was permitted by special exception
40 in the C2 zone that would -- qualified it to apply for the PD zone at two units per acre.
41 Your conclusion was that the subject site is not recommended for commercial -- I'm
42 sorry, is recommended for commercial use and therefore is not eligible for
43 reclassification in the planned development zone. In other words there had to be either

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1 a PD recommendation or a residential recommendation in the master plan. This text
2 amendment suspends that requirement that you have to have that conformance with
3 those two. It does not however suspend the ability or the requirement that an applicant
4 still has to go ahead and demonstrate that you still meet the purposes and intent of the
5 master plan. Dr. Hanson asked me this question the other day; why isn't -- why are we
6 redoing the master plan through a text amendment. And obviously my answer was
7 inadequate but a virtue of the vote of the Planning Board. So when I had more of a
8 chance to think about it, I just -- your staff just handed you the purpose clause. That
9 comes right out of the PD zone. Those are the standards that the Hearing Examiner will
10 expect us to answer as we review the PD zoning application. And if I can draw your
11 paragraph -- draw your attention to the third paragraph that the PD zone is intended to
12 implement the general plan, the area master plan and other pertinent County policies in
13 a manner more closely akin to what we're doing today. What that language does is it
14 still says you have to meet the spirit of what's going on in Wheaton master plan, and it
15 allows you to pick up those things that you've added since 1978 and 1990 when the
16 Wheaton master plan was done. I mean all the things -- I mean nobody even knew what
17 smart growth was in 1990. Nobody knew that we were pressing housing in close
18 proximity to the Metro station, or mixed-use the -- benefits of mixed-use development.
19 That language that is part of the proof of the applicant through the rezoning application
20 will basically require an applicant to demonstrate how you do satisfy the master plan or
21 the sector plan requirements. And all you have to do -- or all that is suspended is that
22 you have to show that it is recommended for that use. And then what you do is you go
23 into but we can satisfy it in all these other ways. I have answers to most of the other
24 questions but I can't get it all out in three minutes. But I would say this to Dr. Hanson's
25 last comment about with the conformance of the subdivision regulations; if the Planning
26 Board's concerns were valid you essentially never be able to have a floating zone ever
27 get subdivided after the board approves it. And I will provide you the subdivision
28 regulations or sorry, the zoning [inaudible] regulation section that says when the Council
29 approves a rezoning contrary to master plan, it goes ahead and overrides what the
30 master plan recommendation was. Thank you.

31
32 President Praisner,
33 Thank you very much. Councilmember Floreen.

34
35 Councilmember Floreen,
36 Thank you. Mr. Weinberg, you've got some feelings about this issue clearly. What's your
37 property zoned?

38
39 Mr. Weinberg,
40 CO.

41
42 Councilmember Floreen,



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1 CO? And is it that you have a concern about residential activity adjacent to your
2 property?

3
4 Mr. Weinberg,
5 Concerned about the compatibility of [inaudible]. As the property owner I also have a
6 concern about Wheaton as a whole. And zoning through a Zoning Text Amendment
7 instead of a master plan is what that could lead to down the road [inaudible].
8

9 Councilmember Floreen,
10 It is a moving target. We're all guilty of that actually. So you have commercial prop --
11 have you been -- had an opp -- has -- I don't actually know anything about this particular
12 project around you. Has it started going through some kind of approval process.
13 Apparently something.
14

15 Mr. Weinberg,
16 [Inaudible].
17

18 Councilmember Floreen,
19 Yeah.
20

21 Mr. Weinberg,
22 No they gave this zoning -- .
23

24 Councilmember Floreen,
25 So are you aware that you would have an ample opportunity to participate in the details
26 of that?
27

28 Jeff Zyontz,
29 I think [inaudible]. If I may, there is a pending zoning application.
30

31 Councilmember Floreen,
32 Oh there is. Well okay, then I can't -- we can't talk about that.
33

34 President Praisner,
35 We need to be very careful.
36

37 Councilmember Floreen,
38 But there is a -- so there is a public hearing; has it occurred.
39

40 President Praisner,
41 Nancy, I think -- .
42

43 Councilmember Floreen,



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1 We don't know. Okay. Well there is a process. Okay. So your issue is the uncertainty
2 that this creates for you?

3
4 Mr. Weinberg,

5 Yes, on several fronts; the huge development around my property and my window line;
6 a three-year construction project and the affect on parking that my tenants need.

7
8 Councilmember Floreen,

9 But I point out that could happen under any zoning category.

10
11 Mr. Weinberg,

12 It could. But I prefer to see it through a master plan amendment and sector plan
13 amendment, not through something like this.

14
15 Councilmember Floreen,

16 Okay. Thanks.

17
18 President Praisner,

19 Councilmember Berliner.

20
21 Councilmember Berliner,

22 Mr. Fraser-Hidalgo; is that correct?

23
24 Mr. Fraser-Hidalgo,

25 Yes.

26
27 Councilmember Berliner,

28 You made some reference that you were -- you alluded to this project going away if it
29 isn't act acted on now. Is it your understanding that if they had -- if this project had to
30 await the master plan process that it would, quote, go away?

31
32 Mr. Fraser-Hidalgo,

33 I don't know. I don't work for Avalon Bay, so I don't know exactly what their thought
34 process is. But I would suspect if they had to wait two to three years for this to come
35 back around where they could actually undertake this project that there are so many
36 variables that would change in that period of time that a completely different formula
37 would be used to determine whether that is still a good financial business decision for
38 them. And I would suspect that there are so many variables between now and then that
39 they'd be hard pressed to move forward.

40
41 Councilmember Berliner,



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1 I just think it's important to clarify what you do know in this moment is that they're
2 prepared to go forward now, and what you don't know is the consequences of waiting.
3 And as you observed, there are a lot of variable that could go either way.

4
5 Mr. Fraser-Hidalgo,

6 Exactly. And, you know, I don't know exactly what they're situation is as far as moving
7 forward. [Inaudible] at this minute is concerned, but as -- as things go -- as time -- as we
8 -- the further out we look, the less predictable things are. And, you know, Wheaton
9 needs to -- to move forward. And when I look at the -- the other land that this opens up
10 for -- Safeway moving from Georgia and Reedy, which is right next to the Metro, which
11 is a beautiful, beautiful spot for, you know, smart growth as well, it just seems to make
12 sense.

13
14 Councilmember Berliner,

15 I do understand why people believe that the result of this would be a favorable result. I
16 do understand that.

17
18 President Praisner,

19 I want to caution any colleagues and everyone that we are not rezoning a parcel. We
20 are looking at a zoning text amendment that might make a development possible, but if
21 we're rezoning a parcel then we've leapfrogged a whole lot of other actions, and I would
22 caution folks. Councilmember Elrich.

23
24 Councilmember Elrich,

25 I just wanted to share that concern. And the more this discussion goes on about
26 approving something and assumptions about whether somebody else is going to build
27 or not, it comes more and more like spot zoning, which is what we're not supposed to
28 be doing. I'm very uncomfortable with this, and I'm uncomfortable with the notion of
29 guns being held to our head that something's going to go away if we don't do something
30 right away.

31
32 President Praisner,

33 Okay, folks, that's the end of Group B; thank you all very much. We have two other
34 speakers; Carol Petzol for Wheaton/Kensington Chamber of Commerce, and Ralph
35 Bennett for Quorum and Wilgus. Carol, you're first.

36
37 Ms. Petzol,

38 Good afternoon. I'm Carol Petzol. I live at 14113 Chadwick Lane in Aspen Hill, and I am
39 member of the Board of Directors of the Wheaton/Kensington Chamber of Commerce.
40 The chamber supports the Zoning Text Amendment 07-13. A committee studied the
41 amendment and the Board of Directors discussed and voted on our position and our
42 recommendations. We support the principals of the master plan as well as the concept
43 of mixed-use development as permitted in the proposal. Although we are aware that



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1 development in Wheaton may be the impetus for this amendment, we want to be very
2 sure that if adopted the new law would be a very fair law for the entire County and not
3 written specifically for Wheaton. It's important that the residential area around the
4 central business district be protected and that commercial development not flow beyond
5 the commercial zone. Section 59C 7.14, which caps the maximum density, is an
6 excellent provision that we strongly support. In Section 59C 7121, the proposed
7 amendment changes the word shows to recommends. For clarity, we suggest that
8 shows be changed to designates. There has been much discussion over the difference
9 in shows and recommends, resulting in the conclusion that neither is clear in the
10 proposed new law. Finally, we recommend that the effective date be 30 days after
11 adoption instead of 20 days. Twenty days is so brief that it appears to make the change
12 an emergency for the Wheaton project and we do not believe that is necessary. Thank
13 you.

14
15 President Praisner,
16 Thank you very much. Mr. Bennett.

17
18 Mr. Bennett,
19 President Praisner, members of Council, my name is Ralph Bennett. I'm an architect
20 with offices in Silver Spring, where I've lived for 30 years. I first want to associate myself
21 with the comments from Ms. Barnes and suggest that Jody Kline's staggering familiarity
22 with the zoning law may in itself be an argument for its simplification.

23
24 President Praisner,
25 I'm sure Jody appreciates that endorsement.

26
27 Mr. Bennett,
28 Thank you for giving me the opportunity to solicit your support for our suggested minor
29 amendments to the amendment you're considering. I make this request as a
30 representative of a property owner in Montgomery County and as a long-time advocate
31 for affordable housing. Barbara Goldberg Goldman, Richard Cohen and I have spoken
32 with several of you about this suggestion over the past week. I've had several
33 conversations with Jeff Zyontz, your land use attorney; he will of course offer his own
34 comments to you. We believe that the changes in our amendment to the amendment
35 would do the following. It would allow owners of adjacent land -- land adjacent to PD
36 zones in a master plan or sector plan to have their properties considered under the
37 criteria applied to the master plan for sector plan area. That is considered not approved.
38 In general, the properties would be considered for higher densities than other areas
39 outside the master plan area; that's why there're master plan areas. Why is this a
40 reasonable thing to do? Master plan and sector plan area delineations are however
41 thoughtfully drawn arbitrary and susceptible to debate and change. Two; circumstances
42 are changing more rapidly than master plans. This text amendment would allow
43 flexibility in response to such change. Third, under our proposal, such properties could



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1 only be considered under these conditions if the owner commits to providing at least 15
2 percent in PDU's -- two and one-half percent more than required; and 15 percent
3 workforce housing -- I think five percent more than required; and retaining the
4 affordability for longer than the required control periods. We believe this small change in
5 the application of the master plan and sector plan rules can pay off generously in a
6 commodity the County so badly needs -- affordable housing. Thank you for listening.

7
8 President Praisner,
9 Thank you. Councilmember Leventhal.

10
11 Councilmember Leventhal,
12 Carol, nice to see you always former Delegate Petzol. Ralph, nice to see you.
13 Appreciate your long service on Housing Opportunities Commission and Advocacy for
14 affordable housing. I met and I know other Councilmembers did as well with Barbara
15 Goldberg-Goldman and with Mr. Cohen. I don't know, as you can hear from the
16 discussion here, what is going to happen. I really don't know and I don't have a view on
17 this right now on zoning text amendment 07-13. So I would encourage you to pursue
18 some backup planning if this ZTA doesn't become a vehicle for amendments at all. I
19 don't know how the PHED Committee is going to treat this.

20
21 Mr. Bennett,
22 We certainly will.

23
24 Councilmember Leventhal,
25 This ZTA. In addition, in the meeting that I had it was expressed to me that the County
26 Executive supports your goal. If that's true, under the ZTA procedures adopted by this
27 Council earlier this year, any ZTA requested by the County Executive automatically gets
28 introduced before the Council and goes to the screening committee and has, you know,
29 a whole procedure underway. So if in fact the County Executive -- did I misstate?

30
31 President Praisner,
32 It's not a committee, but it gets shared with staff who -- .

33
34 Councilmember Leventhal,
35 What's it called? Jeff, what's it called?

36
37 President Praisner,
38 It's not a [inaudible].

39
40 Mr. Zyontz,
41 Zoning Text Amendment Advisors.

42
43 Councilmember Leventhal,



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1 The advisors. That's what you want. You want -- that's what you want. No, that's what
2 you want, seriously, you want those advisors to look at it. So I just -- I would encourage
3 you to sort of explore how this might work. But best of all is if you have the County
4 Executive's backing; that makes a big difference around here.

5
6 Mr. Bennett,

7 As you know he's been out of the country. We understand that he's going to step up in
8 the PHED Committee hearings on this matter.

9
10 Councilmember Leventhal,

11 Good luck.

12
13 President Praisner,

14 Well I think the question though that Mr. Leventhal is addressing is whether this
15 amendment, which goes beyond what the Zoning Text Amendment as introduced
16 suggested is an appropriate amendment to this Zoning Text Amendment, and whether -
17 - and that's why I think Mr. Leventhal is raising the question of maybe pursuit of this
18 issue in multiple ways. And that's the point that I think. Because it speaks to density and
19 this Zoning Text Amendment is not intended to increase density. Councilmember
20 Berliner.

21
22 Councilmember Berliner,

23 I was among those that your group spoke with, with respect to this particular
24 amendment, and I think at the time I shared my own personal view that I wasn't at that
25 point in time comfortable with the underlying ZTA, and I was quite frankly concerned
26 that the desire to amend that ZTA in the manner in which you describe ends up making
27 this ZTA sort of a Christmas tree of ZTA's, so it compounds, from my perspective, the
28 difficulty from a public policy perspective in assessing what process we ought to use for
29 assessing the very valid objectives that you may have with respect to this. So I just
30 wanted to share that with you publicly as well as to ask you because -- here you are
31 people that are very committed to affordable housing; you've demonstrated that. But in
32 the past it has certainly been suggested that in exchange for additional density for
33 affordable housing that we often get precious few units for much greater density. When
34 you describe the increases that you're prepared to offer, can you translate those into
35 units so that I have an understanding as to how many units that you are complicating
36 would be added by virtue of that additional density.

37
38 Mr. Bennett,

39 Well without risking discussion of a specific project, were you to build a thousand units
40 this would produce 25 more MPDU's than the law would require. And it could produce
41 fifty more workforce housing units out of 1,000 than it would otherwise produce.

42
43 Councilmember Berliner,



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1 I appreciate that and look forward to your pursuing alternative ways of achieving your
2 objectives.

3
4 Mr. Bennett,
5 Thank you.

6
7 President Praisner,
8 Okay. I see no other lights. Thank you all very much. And let's move to the next public
9 hearing. Good afternoon, ladies and gentlemen. This is the public hearing on the
10 Special Appropriations to the Montgomery County Public Schools FY08 Capital Budget
11 and Amendments to the FY07-12 Capital Improvements in the amount of \$300,000 for
12 school gymnasiums, Meadow Hall Elementary School, and \$620,000 for Planned
13 Lifecycle Asset Replacement. An Education Committee work session is tentatively
14 scheduled for Monday, October 22, at 9:30 a.m. Persons wishing to submit additional
15 comments should do so by the close of business on Wednesday, October 17, so that
16 your views can be included in the material which staff will prepare for Council
17 consideration. Before beginning your presentation please state your name and address
18 clearly for the record; spell any unusual names. There are no speakers for this hearing,
19 so that hearing is closed. We will now move Legislative Session, day 31. Is there a
20 journal, Madam Clerk?

21
22 Council Clerk,
23 You have a journal of September 18th for approval.

24
25 President Praisner,
26 Is. A motion? Councilmember Andrews. Is there a second?

27
28 Councilmember Ervin,
29 Second.

30
31 President Praisner,
32 Councilmember Ervin. All in favor of approving the Legislative Journal for September
33 18th? Unanimous among those present. Roger, are you voting on the journal?

34
35 Councilmember Berliner,
36 Yes.

37
38 President Praisner,
39 Okay. Thank you. We have one Bill for final reading that I would bring to the Council
40 from the PHED Committee. This is the approval of the lease extension for the Potomac
41 Horse Center sponsored by the Council President at the request of Park and Planning
42 Commission. The committee did have a discussion work session on this item. The Bill
43 approves an extension to the ground lease between Park and Planning Commission



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1 and the Potomac Horse Center for land known as the Maryland Horse Center. The
2 request for the extension to the lease comes from both Park and Planning and PHC,
3 and it allows them and the County to take advantage of a cost-sharing program to
4 construct a manure storage facility, and that will allow Potomac Horse Center to recycle
5 all of its horse-related waste, reduce their dependence on chemical fertilizer, and
6 eliminate their dependence of waste haulers that contribute to truck traffic, et cetera. In
7 order to fund the -- and receive the cost-sharing, the lease has to be long enough to
8 allow them amortize the cost over the 15 years, and that's why we're amending the
9 lease. The committee unanimously supports approval of the legislation. I see no lights,
10 and, Madam Clerk, please call the role.

11
12 Council Clerk,
13 Ms. Ervin.

14
15 Councilmember Ervin,
16 Yes.

17
18 Council Clerk,
19 Mr. Elrich.

20
21 Councilmember Elrich,
22 Yes.

23
24 Council Clerk,
25 Ms. Floreen.

26
27 Councilmember Floreen,
28 Yes.

29
30 Council Clerk,
31 Ms. Trachtenberg.

32
33 Councilmember Trachtenberg,
34 Yes.

35
36 Council Clerk,
37 Mr. Leventhal.

38
39 Councilmember Leventhal,
40 Yes.

41
42 Council Clerk,
43 Mr. Andrews.



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1
2 Councilmember Andrews,
3 Yes.

4
5 Council Clerk,
6 Mr. Berliner.

7
8 Councilmember Berliner,
9 Yes.

10
11 Council Clerk,
12 Mr. Knapp.

13
14 Vice President Knapp,
15 Yes.

16
17 Council Clerk,
18 Ms. Praisner.

19
20 President Praisner,
21 Yes. Bill passes unanimously. Thank you all very much. We'll move to the Semiannual
22 Report. But as we do I want to call Vice President Knapp for a point of personal
23 privilege.

24
25 Vice President Knapp,
26 Thank you, Madam President. I just wanted to be recorded in the affirmative for the
27 Consent Calendar this morning, and also in support of the confirmation of the County
28 Executive appointees to the Washington Suburban Sanitary Commission, Gene
29 Counihan and Adrienne Mandel. Thank you very much.

30
31 President Praisner,
32 With that then if members of the Planning Board who are here would join us at the table,
33 and whatever staff, Royce, you would like to have join you, if there are seats. Okay. All
34 right. Mr. Robinson, Mr. Bryant, Ms. Wright, Ms. Bradford, and Dr. Hanson; I'm going
35 ask you before we begin and dim the lights for your presentation to introduce
36 yourselves. Allison, we'll start with you.

37
38 Mr. Allison,
39 Allison Bryant.

40
41 Mr. Robinson,
42 John Robinson.



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1 Mr. Hanson,

2 Royce Hanson. I just want to say that Commission Lynch is necessarily absent today.
3 He had a prior scheduled business appointment that he could not avoid, and I'm hoping
4 that Commission Carr might be here, but she may not be able to make it.
5

6 Ms. Wright,

7 Gwen Wright, Acting Director of Montgomery County Planning Department.
8

9 Ms. Bradford,

10 Mary Bradford, Director of Parks.
11

12 President Praisner,

13 I know we're running quite a bit late, but I want to give you the time that you have
14 obviously to make a presentation to us. I know my colleagues and I have been pouring
15 over your semiannual report. I want to compliment you on the quality of the presentation
16 to begin with. And then let us let you make your presentation to us, so if we can dim the
17 lights.
18

19 Dr. Hanson,

20 Thank you, and I'll turn the presentation itself to the directors respectfully. First Gwen
21 Wright.
22

23 Ms. Wright,

24 Thank you. For the Planning Department, what we wanted to do was emphasize several
25 departmental goals and priorities that we have. And although these seem somewhat
26 simple and straightforward, I think that they are really our core mission, and we've been
27 working very hard to try to get us on track to meet these goals employing more
28 innovative approaches to master plans and zoning. And you'll be hearing about some
29 projects that relate to that. Quality products delivered on approved schedules. As I've
30 said before I'm very big on deadlines so we're trying very hard to hold to deadlines that
31 we've committed to. Improve rigor staff analyses and project reviews, and promoting
32 sustainable develop and design excellence. Those are two words that you've heard
33 probably frequently throughout the growth policy, but we do see them as really central
34 to our vision of the future for the County. We've had a number of items that you've
35 received in the last six months; the Growth Policy recommendations, which are ongoing;
36 the Religious Institutions Survey; Centers and Boulevards a Final Report; Forest
37 Conservation Law revisions; and a Development Review Manual. We have a number of
38 products that you'll be -- and items that you're going to be seeing in the next six months
39 and we'll be talking about that as we get into the actual report. One of the things that we
40 wanted to highlight for you is the -- a couple of projects we think are very, very important
41 to how we are going to be able to progress in the future. First, the Master Plan
42 Reassessment project. We do understand that we need to utilize more innovative
43 approaches to master plans focusing on smaller geographic areas, redevelopment and

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1 infill. They need to be more timely and they need to be easier to understand so that
2 each sentence doesn't need to be parsed; it needs to be very clear. We know we need
3 to increase outreach to underserved groups, and I think we've been making a great deal
4 of progress in that regard. We also think it's very important to align our master plans
5 with the Zoning Ordinance Revision Project, and we've made a lot of progress on 3D
6 modeling of plans. Those of you who attended the briefing on White Flint and any of you
7 who've also participated in the infill housing task force have seen some examples of the
8 technology that we are able to use on 3D modeling at this time. What we really do see
9 is that the Master Plan Reassessment and the new Zoning Ordinance rewrite are very,
10 very connected. I would say that the bulls eye in the middle is what we're trying to
11 achieve; the sustainability and design excellence. And our tools in trying to achieve that
12 are our master plans and our regulatory framework. The projects that we have going on
13 are sort of center circle. Our master plan process reassessment and our zoning
14 ordinance rewrite. And they are very linked. If we're going to be using new tools like
15 foreign-base codes, we need to have very, very clear master plans that give the kind of
16 guidance that is necessary to make those tools effective and to achieve kind of
17 sustainability and design excellence that we've talked about. We have our schedule,
18 and again we're glad to go through that in detail. We have passed this document on, I
19 want to tell you, to all of the staff in the Planning Department. And I jokingly call it my
20 bible chart because I want everyone -- I've said to keep it up -- pinned up on top of their
21 computers to understand very clearly what projects we have going on, what the
22 deadlines are, what their specification assignments are in order to accomplish those
23 project. And I think that it has worked; it has gotten people more focused and directed
24 towards the schedules and the goals that we have. And again we can talk about that
25 schedule as we get into the report. We are of course continuing, as I mentioned, to work
26 on the issue of sustainable development and design excellence. We've talk to you
27 through the growth policy about developing sustainable quality of life indicators. And we
28 also are working even now on trying to organize a couple of activities related to the
29 culture of design excellence. One would be a design summit that we're working on that
30 would be this winter in the County for both public and private groups. And also doing
31 training for our own staff on design issues and design review. The issue of working with
32 staff on better analyses and project reviews, we are working to not only give staff
33 training but to create the kinds of rules that are needed to make sure that staff is acting
34 in a way that's consistent and clear; the development manuals, the enforcement rules,
35 revisions to Forest Conservation Law. We do want to let you know in terms of caseload
36 and our progress we are working on trying to clear out the backlog of cases. We have
37 had a backlog. We are making progress in addressing that backlog. And we'll continue
38 to do so. Again we can go over these in detail if you'd like.

39
40 Councilmember Floreen,
41 I just have a question about this page.

42
43 President Praisner,



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1 Why don't you let them go through the presentation and then we'll come back.

2
3 Councilmember Floreen,
4 If we just remember to come back.

5
6 President Praisner,
7 I'm afraid we'll get bogged down if we don't let them finish.

8
9 Councilmember Floreen,
10 Sure.

11
12 Ms. Wright,
13 Okay, at this point I'd like to turn things over to Mary about the Department of Parks.

14
15 Ms. Bradford,
16 All right. We approached our -- .

17
18 President Praisner,
19 Mike, Mary.

20
21 Ms. Bradford,
22 Thank you. Sorry. Please ignore the shadow in the corner as well.

23
24 President Praisner,
25 Well you're in the middle, not in the corner so.

26
27 Ms. Bradford,
28 I'm in the middle now. All right. I try to get lower but that's fine.

29
30 President Praisner,
31 Oh, that's okay.

32
33 Ms. Bradford,
34 We did ours a little bit differently because there's so much going on operationally in
35 Parks and so in order to break it down into something that was really useful, we decided
36 to take a look at the things we think might be coming before the Council within the next
37 six months, and things we know are hot topics that we're all dealing with. First of all we,
38 like the Planning Department, wanted to set out our overall goals. We're in agreement, I
39 think, all of us on providing safe, accessible and green places, taking care of our natural
40 and cultural resources, working with out community, and our recreational lifestyles
41 component of what we do. We have -- among the items that we have talked about that
42 will be coming before you are elements on new directions for our enterprise. Our
43 enterprise fund are those services we provide which are revenue producers, but also



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1 have costs associated with them. And as our infrastructure ages over time, we're trying
2 to figure out how we can take care of those facilities, which are public facilities, still keep
3 them safe and affordable, but manage somehow the major maintenance and the capital
4 improvement costs that we're going to be facing -- we're facing right now and will be
5 facing in the future. We hope to have that report to you with our FY09 budget. We also
6 have a number of items under management of our facilities. As you all know we've been
7 doing an infrastructure condition assessment of facilities. And it produces data -- yeah, it
8 produces data that tell us what we really have and what it's going to cost to fix it. There
9 is good in that and there is bad in that. The good thing is that we are finding out what
10 we're doing right and what we're doing wrong. We're learning a lot of lessons about the
11 value of these. Our condition assessments have been looking at what the costs are and
12 what the needs are. What we're doing now is working with community to get to those
13 intangible values that these areas have to the community and try to deepen our
14 knowledge of the value of these resources. And so in a number of areas, as you all
15 know, with the small recreation buildings, we're having a public hearing tonight to meet
16 with the community. Councilmember Floreen hosted a good meeting with the folks in
17 Garrett Park whose facility had been examined, and we're continuing to do that.
18 Everyone of these 16 facility groups we expect will have ramifications. And as we work
19 our way through them, we will share that with you as soon as we can. We are taking a
20 look at what we're doing with ongoing projects. We do have school field maintenance
21 issues. We still management ball field maintenance for MCPS, and we'll be coming back
22 to you regarding funding for that. We're glad to do that and glad to provide that level of
23 expertise to the school system. So I wanted to make that clear right away. We are
24 looking at options to pre-fund our future infrastructure replacements being explored,
25 what the Chairman calls a sinking fund really to take a look at how we might continue
26 maintenance so we don't have to keep coming back in the way that we do. Under
27 management of natural and cultural resources, we've been actively trying to improve our
28 efforts in that area. That actually is one of the departmental management initiatives that
29 we've taken forward; we've created a division of Park/Planning and stewardship. We've
30 gotten some -- or taking a look at all of our cultural resources to see what we could be
31 doing better. A number of those are on the Power Point and I don't have to go through
32 them. But aligned with that are taking a look at how we're managing our natural
33 resources, getting down into those areas we haven't really been looking at a for a long
34 time, taking a look at encroachments, what's happening with plant life, the wildlife there,
35 and doing a better job of looking at our trail system, because that's a very popular use
36 and it goes into areas that we otherwise have not really spent a lot of time looking at. So
37 we have an active trails program underway. One thing that shouldn't be a surprise to
38 anybody but is taking an awful lot of staff time of course is the development of the inter-
39 county connector. And we are devoting staff oversight to look at the impacts on park
40 lands and all the various projects. That includes not only over-the-shoulder review on
41 the environmental aspects and the mitigation for the ICC and sensitive areas, but also
42 such things as displaced facilities like the trolley museum and the athletic fields that
43 have to be moved. So it's taking a considerable amount of staff time. And that's a major



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1 effort right now underway. For urban parks, this is something that the Chairman outlined
2 in his budget letter to you, and it's also something that is near and dear to my heart
3 which is as we move from a suburban-rural type of park system to an urban-suburban
4 type of park system, we have to look at how we're managing that, figure out what the
5 benchmarks are, what the best practices are, and maybe a lot of design elements of
6 how urban parks ought to be managed when you have a different use pattern other than
7 just families going to use a park or the playground and then going home -- walking
8 home. We have walk-through traffic, office workers eating lunch in there, a lot of
9 different kinds of uses that we have to consider. What are those spaces? What do they
10 look like? And how do we manage them; are part of an ongoing initiative that we hope
11 to kick off in this coming year. I talked a little bit already about some of the ways we're
12 improving departmental management. Basically we were looking for things that we
13 weren't doing or were doing as well as we could have, and trying to fill those holes, and
14 we ended up with sort of a new organization chart as we split off from Planning. And I
15 just wanted to let you know in here that we're actively recruiting, filling and impaneling
16 the vacancies, and you'll be hearing announcements throughout probably the next six
17 months as we place people in positions and give them the charge to go forward, and
18 deal with the topics that they have. We're also looking very closely at performance
19 measures and understanding how those differ from performance standards. I mean, we
20 know from standards that may be 90 percent of our fields need to be managed at a
21 certain level, but then our performance measures would say are we doing all these
22 things with the fields that we said we're doing? Are we achieving them or not? And
23 trying to get the standards in place; and we're doing a pretty good job of that. And then
24 figuring out a way to measure that is something that we've already started doing. The
25 program budget is helping that a lot. And getting the indicators and staff in place and the
26 measurements are important. And the other thing that we've done is we used to have,
27 as you know, many -- a request for partnerships, leases, operations on park property.
28 Every one of them looks different. We had no sort of coherent way of looking at it. We
29 have launched a Public-Private Partnership Committee. Say that three times fast. And
30 that has somebody from sort of every element of the organization with the attorneys and
31 the financial people in there to examine these proposals as they come in the door so
32 that we can weigh them and decide is this a good lease arraignment, is this not an
33 arrangement, should these people be a partner or not, does this meet our goals and the
34 objectives of the park system? That's going very well. We have, actually, you know,
35 hundreds of such arrangements out there and just getting a handle on all of those has
36 been a departmental improvement. Community outreach, you know, we've started the
37 park ranger program. I won't go through all of the bullets here, but we're very happy with
38 our turnaround, our responsiveness. We can always do better. We want to do a lot
39 better, but we're trying to get back as soon as people have a complaint about something
40 and figure out what is going on and see if we can solve it on the spot rather than waiting
41 and waiting and waiting to address problems. And so we've had to hire people to man
42 the phones and to help us do that in an expedited fashion. And I think all the park
43 managers as well have taken this on and are doing a very good job. The park police

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1 have an excellent community outreach. And of course we've established an office in the
2 director's office to continue that. Part of this with the park ranger program the first year
3 was to deal with the ball field usages. And what we're looking for now is to pull that
4 program out and actually have us look at some of these natural resource damage or
5 cultural resource damage issues and to expand the scope of the ranger program. So
6 we're examining that and we'll be coming back to you with recommendations. Other
7 issues, this lists our active park development projects, our acquisitions -- you can see
8 this; our cooperating relationships with other agencies. And a number of these will be
9 coming forward to you and some of these are explained in more detail in the report
10 itself. And then the next slide is really kind of a joint slide. I'll turn it over to Gwen to talk
11 about what we're doing when we're looking ahead for both departments.

12
13 Ms. Wright,

14 I think that we listed a number of issues that we know are coming up in the immediate
15 future that we thought were important to report to you on. And I think the board
16 members will have information on a number of these. The planning director search from
17 a Planning Department perspective is obviously very important. In Parks it's continuing
18 to work to find that balance between stewardship and park services. In both
19 departments, we have a 2008 legislative agenda that is laid out in the semiannual report
20 that we would like to get your feedback on. We have the information about the Silver
21 Place project. We'd be glad to talk to you more about that. As Mary mentioned, we've
22 both been working very hard on improved outreach and ways to engage the public and
23 underserved communities within the County. We're both working very hard on
24 measuring performance, and I think again on some of the program element sheets that
25 are in the semiannual for the Planning Department, you'll see where we're beginning to
26 establish performance standards. And in both of our departments, we're working very
27 hard on protection of natural resources. In the park side, the parks that we own, and on
28 the planning side, the laws and regulations that we administer; and we're very busy
29 dealing with enforcement and encroachment issues in both departments. We're glad to
30 answer questions but we're sure the board has some additional comments.

31
32 President Praisner,
33 Royce.

34
35 Dr. Hanson,

36 Well I think to spare time, unless my colleagues have additional comments, why don't
37 we go right into the discussion. Because I think the department heads have laid out the
38 [inaudible].

39
40 President Praisner,
41 Right. Well before -- .

42
43 Dr. Hanson,



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1 A good number of issues and matters.

2
3 President Praisner,

4 I want to get the lights on, and then before we turn to Councilmembers, I did want to
5 make sure that we also look at the packet that Marlene has raised, small thought it is,
6 on some issues -- .

7
8 Dr. Hanson,

9 We are glad to see a small one.

10
11 President Praisner,

12 Right. Yeah. That I want to make sure that we have a chance to discuss. So in order to
13 do that and also allow Councilmembers to comment, let me start by going through
14 Marlene's, and then we can call on individual Councilmembers. Are there any
15 comments anybody wants to make about the outreach perspective or the legislative
16 priorities? The only comment I would make on the legislative priorities is Marlene makes
17 note of some of the implications. I think given the challenges we've had in the past of
18 legislation that may be introduced not by the commission or an outside agency but
19 introduced by individuals, it is important that we stay very closely in touch on any
20 legislation. So I would hope that before -- that we could A - see the language if you've
21 drafted something; and B - that we schedule when a discussion -- I know staff is going
22 to be very tied up with the issue of the special session -- our inner-governmental relation
23 staff, but I think it is important for us to have a conversation about what our views are in
24 an informal back and forth on your views so that if the Council doesn't share your view
25 about these pieces of legislation, it is known before we get down to Annapolis in
26 January; or if Council has some modification that it is interested in, and Marlene makes
27 note of the no more than two members in a year issue, we need to talk about them. So
28 Marlene, if you could go back to Linda and schedule some conversation with inner-
29 governmental and Park and Planning on the pieces of legislation, I think that would be
30 extremely helpful.

31
32 Dr. Hanson,

33 That would be very helpful. If we can even move on these before the hearings that the
34 delegation has -- .

35
36 President Praisner,

37 Right and I don't know if that schedule -- .

38
39 Dr. Hanson,

40 Because we've got placeholders in on these with the understanding that -- .

41
42 President Praisner,



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1 I understand that. And we'll also want him to see if anyone else has any legislation that
2 affects Park and Planning that we would want to know about. Any Council lights that are
3 related to outreach and legislative priorities, Councilmember Floreen.

4
5 Councilmember Floreen,

6 Thank you. Can you talk a little bit about this Hiking, Biking and Walking Act of 2008
7 and how it relates A - to the road code, and our -- I think there is a master plan of
8 bikeways already.

9
10 Dr. Hanson,

11 This is basically conceptual at this point, and we have a lot of work that would need to
12 be done on it. But the idea is -- and this is something that the Prince Georges' board is
13 also very much interested in -- is helping us have a little bit more influence than we have
14 through mandatory referral in dealing with state roads. So that where it is appropriate to
15 get a bike trail or a crossing for pedestrians or some things of that nature that we're in a
16 position to get it. I guess is the best way to put it.

17
18 Councilmember Floreen,

19 Okay, well let me say I would like to work with you on the T&E Committee on this issue.
20 Certainly I know that we're interested in a pedestrian plan for sidewalks and the like. I
21 just want to make sure that the different agencies are working together on this. One
22 thing we have learned that is that you think it would be easy.

23
24 President Praisner,

25 Well, but the point is here this is a piece of legislation you would introduce in Annapolis
26 that's related to state issues and state roads. And so to that extent, we need to see what
27 it is.

28
29 Dr. Hanson,

30 Sure.

31
32 President Praisner,

33 Because -- and obviously this is in conjunction with Prince Georges County.

34
35 Councilmember Floreen,

36 And so we would like to understand what you're talking about here, and just make sure
37 that folks are on board. It just comes at me from -- it's just a surprise.

38
39 President Praisner,

40 And the other point is I think Councilmember Ervin is our representative on the
41 Pedestrian Advisory Committee, and I would want to keep her in the loop.

42
43 Dr. Hanson,



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1 Very good. We'll do that.

2
3 President Praisner,
4 Anything else on outreach? I think Vice President Knapp.

5
6 Vice President Knapp,
7 I just wanted to commend you for your improvement in access and technology and
8 outreach. I think that over the last six to nine months you've done some really exciting
9 things both from how you've reached out to different cultural groups, overcoming
10 language barriers to try and engage the different parts of the community, the online
11 signups, the weather enhancements. I think that your weekly newsletter is good. And so
12 I just -- there is always more that can be done in the area of outreach but I think that
13 your efforts over the last six to nine months are very noteworthy and should be
14 commended. So I thank you all for your efforts.

15
16 Dr. Hanson,
17 Thank you. Our media and outreach group have been working very closely with
18 community plans, and also our IT section to both make our website more user-friendly,
19 and also to work with groups that have traditionally not been very much involved in the
20 planning process. And particularly those that might have language barriers to it.

21
22 President Praisner,
23 I wanted to add my dittos to what Vice President Knapp has said. And also I'm very
24 pleased with the way you've run with our encouragement to use the cable more
25 aggressively and also to do the televising and also the way you've improved on the
26 room so that folks in the room can see more, and also the way you're using -- beginning
27 to use technology. I think there is more that we still need to do with visual and height
28 and three dimensional kinds of things both here at the Council and at the Planning
29 Board. But I want to compliment you. The only question -- well I have two questions.
30 One comment and one question.

31
32 Dr. Hanson,
33 Before you question, could I just mention that the Maryland Chapter of the American
34 Planning Association has just given us an award for our new planning program.

35
36 President Praisner,
37 Great. We should share in that, because we would have given you the funding, you
38 wouldn't have been able to do it. Before we get to the cable fund in the future, I think it
39 would be important for us to discreetly look at the Parks and Planning needs from a
40 cable-fund perspective because we have incorporated that in the past under the
41 Council's piece of the channel -- county's channel, but -- and obviously you are a piece
42 of that, but the question becomes one of resources associated with that that I think it is
43 helpful. My two questions or comments relate to the status or efforts that may be



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1 involved or the comfort level with the database on civic associations. I know it is always
2 a challenge to keep that up to date, but I just wondered if you've thought about any
3 other mechanisms for using this new outreach to broaden the accuracy of that
4 database, and also to relate this to the master plan process, because the more you
5 modify and engage the master plan process such that it doesn't require 18 months or 2
6 years of someone's life, the more likely we may be to get more engagement. And I
7 would add to that that we have had some opportunity to have conversations with
8 individuals who talk about charette processes in a broader sense of the term than I think
9 we use the term here. And I'm very interested in our expanding or improving on the way
10 we use the charette process to be not just a walk around in a room for one day, but to
11 really get value added voting and some of the other things that are interactive that
12 would allow you to come out with a product in that part of the process. Gwen, you
13 wanted to comment.

14
15 Ms. Wright,

16 I just would say that we are working on all of those issues and thinking very much along
17 the same lines. The community outreach toolkit that's been developed is something that
18 we've been -- our community outreach and media relations department has been
19 training all of our community-based planning staff on how to use that and how to most
20 affectively use it to get all of the correct contacts for community groups and to make the
21 right connections. I think that we are very interested in the charette process as a
22 planning process and using technology to make that charette process even more
23 inclusive. So I would simply -- .

24
25 President Praisner,

26 Well it's more outcome focused too.

27
28 Ms. Wright,

29 Yes.

30
31 President Praisner,

32 Definitive outcomes that come out of that.

33
34 Ms. Wright,

35 I would say simply that -- I would just report that we are continuing to work on all of
36 these things, but we are very much on the same wave length.

37
38 President Praisner,

39 Only other comment -- I'm sorry. Allison, go ahead.

40
41 Mr. Bryant,

42 Let me just add something else to that may have been overlooked because of the fact
43 that this unit is not considered to be a part of Planning; but I think in terms of what is



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1 happening through the Chair's office when it comes to outreach, that has really taken on
2 a different kind of approach also. Especially when it comes to trying to make sure that
3 we reach all of the underserved communities who have a tendency not necessarily to
4 be associated with a particular civic association or civic group from that standpoint. And
5 I think that they deserve a number of kudos for the approach that's being used to make
6 sure that we have access to not only speakers of other languages but also trying to
7 make sure that we are in the position to translate for those speakers of other language.

8
9 President Praisner,

10 The only other comment is given a variety of interactions and experiences that I think
11 the Council has had recently, what I would urge you to do is to get back to us with -- and
12 I don't mean an extensive get back to us, but I think we need to work more aggressively
13 in directing folks when there are variety of questions that community members may
14 have that don't automatically relate to something specifically and exclusively at the
15 Planning Board to using the People's Council more and in a more comprehensive way.
16 Folks who don't understand rezoning process or something where it doesn't remain with
17 the Planning Board, and where folks at the Planning Board therefore may not be as
18 comfortable or knowledgeable, and they don't have a need to be, with everything that's
19 involved with a rezoning or an item that might come to the Council or for that matter to
20 the Board of Appeals. Where I think you all might look at strengthening the specificity or
21 the toolkit as it relates to the People's Counsel. That might help us all very much.

22
23 Mr. Bryant,

24 Let me also indicate that to his credit, the People's Council has said to us on several
25 occasions that he's willing to do whatever is necessary in order to supplement us from
26 that standpoint. I think that's a wonderful idea.

27
28 President Praisner,

29 Unless there are lights on those issues, you may want to talk a little bit because I heard
30 you say, Mary, about some positions that we added in the budget that you're filling, but I
31 didn't hear that they were onboard necessarily; and the next item that Marlene has is
32 the issue of vacancies. I don't know that Councilmembers have any questions about
33 that issue but you may want to comment. Have we overcome the challenges that we
34 discussed earlier about your having more direct Georgia Avenue/Park Side decision-
35 making and not using Central Wheaton. We really don't have here the issue of Central
36 Commission versus County structure, but that is an ongoing question that I think the
37 PHED Committee discussed or said it wanted to continue to discuss with the
38 commission.

39
40 Dr. Hanson,

41 I can't say that we're in perfect shape at this point but we're in much better shape. And I
42 think we're working out a good number of the problems. The pilot system that had been
43 used in Planning in both counties is no longer a pilot system. It is the standard operating



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1 procedure at this point; and Gwen and Mary may want to respond to this also, because
2 the requirements in the Planning Department is a little different from those in Parks, and
3 both of them working very closely with the Central Administration Services Department
4 now to set up what we think are going to be very good programs. We hope exemplary
5 programs.

6
7 Ms. Bradford,

8 I'll start because we've just had some internal meetings to figure out how often
9 decisions about hires -- how many hands touch it on the way from deciding you need
10 the position to actually having the person walk in the door. I think one of the processes
11 showed I actually saw paperwork 11 times in the process. But we're working to -- and so
12 we were identifying.

13
14 Dr. Hanson,

15 Get that down to about two.

16
17 President Praisner,

18 If you get it down to five, you'll be doing wonderful.

19
20 Ms. Bradford,

21 Probably. I mean, you want to know who you're hiring, and you want to be able to
22 review the applications and sign off when you hire them. I mean those are probably
23 three steps you can't do without. But we're working to go streamline our internal
24 process. Because we have such a variety of positions to fill, we're in a slightly different
25 place than Planning is in terms of target immediately where you're going to go to get
26 those jobs filled, so we're working on the recruitment strategy right now. I will say
27 something about the vacancy rate. I think it's explained in the report. We did get new
28 positions, so that's a temporary spike. But you'll notice that we were actually at a
29 percentage rate that was below the lapse. So we are actually doing pretty well. That's a
30 temporary spike. That's an anomaly because of a change in the budget, but actually
31 we're actually moving efficiently to fill jobs.

32
33 Ms. Wright,

34 I would just say I agree. I mean, I think we still have challenges particularly in being able
35 to recruit and attract design professionals to be in our development review division and
36 our community-based planning division, but we have had some success in that recently.
37 We have filled a number of the positions that both -- that had been vacant last fiscal
38 year. We have filled those but we have filled a number of the ones that you have given
39 us as new positions in fiscal year '09. And I feel like we're making good progress.

40
41 President Praisner,

42 Any questions on that point? Phil.

43



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1 Councilmember Andrews,
2 Thanks. Well, I wanted to ask Mary. You mentioned that you're having to spend
3 additional time reviewing ICC-related matters.
4

5 President Praisner,
6 I was asking on the [inaudible]. I feel I was asking on the vacancies.
7

8 Councilmember Andrews,
9 Yes, well it's [inaudible]. No, but it's tied to that because you're saying here -- no you
10 should actually be spending a lot more time than you are. But you're saying you need
11 more staff to do that. And you say you have vacancies. You say right here it's
12 construction of the ICC Main Line, whatever that is -- use the word highway, please.
13 What commences additional resources may be required for design review and
14 construction inspections [inaudible] parkland. So what do you need to do the job that
15 you think you need to do? And how quickly do you need it?
16

17 Ms. Bradford,
18 Well how quickly we need it, I mean, as you know the ICC is currently in court, but I
19 could ask Mike Riley to come up. We have somebody stationed working with one of --
20 with [inaudible] in Park Development. Mike, do you mind addressing sort of what the
21 timeline would be for hiring additional people?
22

23 Mr. Riley,
24 For the record, Mike Riley, the Acting Deputy Director of Parks. I think we were
25 basically framing this proposal -- we will be proposing a new initiative in our requested
26 FY09 budget. Basically when the ICC -- the work impact on us -- the more we delve into
27 it grows, there's different categories of project beyond the mitigation that get into the
28 stewardship projects. And of course we could use those positions now. We could use
29 them today. But we're basically reallocating resources for the time being to cover what
30 we should be doing.
31

32 Councilmember Andrews,
33 It says here -- I looking at page 116, the second to last paragraph. It says the level of
34 coordination for the ICC Main Line is more substantial than previously thought due to
35 the controversial nature of the ICC. And I must say, I can't imagine how you could be
36 surprised that you would not need a lot of resources in order to monitor the project.
37 What kind of turnaround time is the state giving you for review of their construction
38 plans at this point?
39

40 Mr. Riley,
41 Well, at this point -- .
42

43 Ms. Wright,



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1 I mean it is very fast. And I will say I've been getting pushed back from our staff on how
2 fast it is.

3
4 Councilmember Andrews,
5 How fast is it?

6
7 Ms. Wright,
8 A week on a set of three or four drawings and then they'll ask for like a five-working day
9 turnaround. And that is challenging given the fact that although we do have a specific
10 staff person in the Parks Department who is leading this effort, they coordinate that
11 review with staff in Environmental Planning and staff in Community-Based Planning who
12 are doing other projects as well, who aren't devoted 100% of their time to the ICC. And I
13 will say honestly, it is a stretch. I've been getting pushed back from the Planning
14 Department staff who are doing this in addition to their normal workload.

15
16 Ms. Bradford,
17 And plus as we said -- as I said earlier when I was doing the presentation, it is not just
18 looking at the road and what the road impacts, it is looking at the buffer zones, the
19 special protection areas, and the fact that a lot of that corridor was actually de-facto
20 parkland if you will. A number of uses had developed that were on that land with the full
21 knowledge that they would have to be moved but which had become entrenched in the
22 community, so we pulled people off to deal with some of the replacement facilities. Now
23 the state is moving forward to do that replacement work. We're not doing that ourselves.
24 I mean it is not in a Capital Budget where we are actually going to have to build those
25 fields. The state's been doing some of that. We have to do some work though. And
26 there is a lot of review associated even when they do it for us. The Trolley Museum, as I
27 said, and the well and fields come to mind. But there are many other similar situations.
28 So it is taking that kind of staff time; although the state is doing it, it is to replace park
29 uses and we have to -- .

30
31 President Praisner,
32 Well in some cases, when you say the state is doing it, it is on their time but it is often
33 an outside contractor, not individual state people and state employees.

34
35 Ms. Bradford,
36 That's a more precise way of explaining it.

37
38 President Praisner,
39 Which requires a monitoring of that contractor to make sure when they are getting paid
40 X amount for Y that they are doing it by the letter of what's supposed to be done, and
41 that's why the monitoring becomes an issue.

42
43 Ms. Bradford,



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1 Well it's an over-the-shoulder review we call it. And there are just a lot of shoulders to
2 look over. And so -- and since it is moving quickly, you can't spread out your work
3 program. You got to really tackle it.

4
5 Councilmember Andrews,

6 All right. Well the reason I raise this is because you have three things intersecting here;
7 you've got vacancies already, you've got a large workload in order to keep up with the
8 review of the proposals that you're getting from the state, and you've got a really short
9 time line you're saying that the state is telling you they want it down by. And so all of
10 that -- .

11
12 Dr. Hanson,

13 It's like working with the Council.

14
15 Councilmember Andrews,
16 Right.

17
18 Mr. Bryant,

19 In fact, I thought, Mr. Andrews, that you were getting ready to suggest that the Council
20 minimize the work program in order to make sure that the conforms of issues.

21
22 President Praisner,
23 You'd be smarter asking for more resources.

24
25 Councilmember Andrews,
26 I'm trying to be responsive to this suggestion you have here.

27
28 Councilmember Elrich,
29 We would be happy to slow the ICC down so -- .

30
31 Councilmember Andrews,
32 Look. You point out, you acknowledge important resources that will be affected by the
33 construction of the ICC; affected by the same way, I suppose, that a cow is affected by
34 the serving of a sirloin dinner. Or the pig in serving pork. The pig is committed. The hen
35 in the bacon and eggs is involved. Chickens involved; hens involved. But you suggest
36 additional resources may be required. And so what I hear you saying is additional
37 resources are required now.

38
39 Ms. Wright,

40 No we have really just very recently got into this very quick turnaround regimen, and
41 we're now just sort of experiencing the reality of four-to-five-day turnarounds on sheets
42 of drawings. I think that it very well may be that we will need some additional support.



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1 And if that happens I think that I would like to believe you'd be open to us coming back
2 and requesting that in a separate supplemental.

3
4 Councilmember Andrews,

5 I would certainly be interested in that, and I wouldn't wait, you know, I wouldn't wait too
6 long. I certainly wouldn't wait more than a matter of weeks and maybe less to ask for
7 what you think you need in order to do it well.

8
9 President Praisner,

10 Yeah, I think the point of the letters and concerns of Councilmembers on both sides of
11 the issue have raised is that we monitor and that the stewardship and the accountability
12 and the doing it right should be everyone's goal. So I don't know anybody who objects
13 to that. And if it requires you saying no, we need two more days because we can't
14 review it in five days, I would hope you would say that.

15
16 Dr. Hanson,

17 There's no doubt we'll say that.

18
19 President Praisner,

20 I mean, speed at the expense of quality and accuracy is one that I think is the wrong
21 priority when it comes to the kind of magnitude of the projects that we're talking about,
22 the implications of project that we're talking about, and the fact that some folks in the
23 federal agencies have in the past raised a question about whether it is appropriate to do
24 this kind of project on a fast track. So let's -- if folks are saying no, it can be done, then
25 let's prove it by doing it right, not by having the clock tick at the expense of the kind of
26 oversight. So you all are having problems with the deadlines mandated by the state, you
27 need to let us know.

28
29 Dr. Hanson,

30 We will.

31
32 President Praisner,

33 And if you need resources to review it appropriately, you need to let us know. And as
34 Councilmember Andrews indicates, letting us know after you need them with the time
35 period of filling those positions, it is not good.

36
37 Councilmember Andrews,

38 Right. It would make sense to get a supplemental request going now and we'll see what
39 happens with the courts.

40
41 Dr. Hanson,

42 We hear you.



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1 Councilmember Andrews,
2 But it makes sense to get the process going.

3
4 President Praisner,
5 Okay. I want to move to since -- you're on the vacancy issue. Go ahead, Nancy.

6
7 Councilmember Floreen,
8 If you could go back to the slide you had up there which was my question.

9
10 Gwen Wright,
11 About regulatory.

12
13 Councilmember Floreen,
14 The regulatory stuff -- that's the other side of the issue. And I say I fully support the
15 issue of making sure you have the staff available in addition to this it is necessary to
16 deal with your review of the ICC. My question is this chart and what its relationship to
17 the Planning Department vacancies. I've got 18?

18
19 Gwen Wright,
20 Yes.

21
22 Councilmember Floreen,
23 What -- where are -- are those all development and review type folks?

24
25 Gwen Wright,
26 Nope. What -- our only remaining vacancies in development review at this point are -- if
27 I -- do you want real specifics?

28
29 Councilmember Floreen,
30 Well.

31
32 Gwen Wright,
33 Two supervisors -- one is supervisor of our tech team and for our zoning team; we're
34 interviewing for both. One site-plan reviewer because of a promotion that other position
35 person was promoted out of is now available. And a zoning position.

36
37 Councilmember Floreen,
38 So you've got four positions associated with the regulatory review.

39
40 Gwen Wright,
41 Uh-huh.

42
43 Councilmember Floreen,



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1 How are you doing in terms of the backlog and meeting the regulatory obligations? You
2 technically have the various turnaround times. This chart is -- reflects numbers but it
3 doesn't really reflect -- maybe it does -- what the expectation level and process timing
4 that is built into your system.

5
6 Dr. Hanson,

7 We're making some headway on that. Again, the backlog remains a problem, which
8 we're gradually whittling away. There are a couple other issues that are problems. One
9 of our problems historically has been getting the resolutions out. And the legal staff,
10 which has the following responsibility for it, has been working with the development
11 [inaudible] staff to get the staff reports written in ways that make them more easily
12 convertible into resolutions, and that's coming along. Again, not as fast as we would like
13 because people are busy writing new staff reports at the same time they are writing
14 resolutions. The big impediment from the legal staff's perspective -- although we have
15 added legal staff, has been litigation. And the -- you just don't tell a judge I'm sorry I
16 can't be there on Tuesday.

17
18 Councilmember Floreen,
19 Sure.

20
21 Dr. Hanson,
22 So we have a lot of work in that area that is slowing us down.

23
24 Councilmember Floreen,
25 Well I guess my question is then are you adequately staffed to, you know, be able to get
26 yourself to a predictable schedule.

27
28 Dr. Hanson,
29 We may need some additional staff.

30
31 Unidentified,
32 Rose.

33
34 President Praisner,
35 Rose wants to come down.

36
37 Dr. Hanson,
38 Rose can comment on that.

39
40 President Praisner,
41 Rose, introduce yourself before you start please.

42
43 Ms. Krasnow,



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1 Thank you. Rose Krasnow, Chief of Development Review. And I really did want to
2 chime in because for the first time starting in September I feel that we've made a major
3 leap forward. And I cannot stress it enough. We have one position available now at site
4 plan because Robert Cronenberg was just named supervisor, so we can fill his planning
5 coordinator position. But we really are setting processes in place now for things like the
6 resolutions, the certified site plans, have a set processor going through where we have
7 two sets of eyes on them, and we are turning them around far more rapidly. The
8 backlog that we faced originally was tremendous. So for example I signed five certified
9 site plans today. And some of those have been around for a while; but now that we
10 have staff, we are able to review them and move them forward. We still have some
11 backlog cases. Our applications are down so far this year. That's not surprising in my
12 opinion given both the economy and the fact that you're working on growth policies now,
13 which is keeping people from bringing in some applications. But that really is giving us
14 this window of opportunity to start looking at just how many cases are still out there,
15 figuring out why they have not been able to move forward, and doing whatever is
16 necessary to get them to the board in a more timely manner.

17
18 Dr. Hanson,

19 We have been talking about other ways that we may be able to expedite or improve the
20 process. There are some elements that have actually slowed the process. The
21 requirement for pre-meetings, which is a good idea, but it nonetheless slows things
22 down. We have a provision in the development review manual, which I think will actually
23 help the process considerably, and that is dividing the filing process into two parts with
24 the preliminary filing of an application to have the matter checked within 15 days to
25 determine whether the application is complete, because one of the problems that the
26 staff is faced is applicants who filed an application that then had to be sent back to them
27 because it was not complete. This doesn't even get into the substance of the
28 application. And then more time is taken to make the application complete. And
29 something else will be left out and it will be sent back again and so on. So getting that
30 process improved, I think -- .

31
32 President Praisner,

33 That's not your delay. That's someone filing something [inaudible].

34
35 Dr. Hanson,

36 Well it is, but on the other hand having our staff be able to look at an application, tell an
37 applicant you need to do the following things before this is a complete application, these
38 -- and get these back to us with these things done, and then you have an application
39 that's in form for us to begin to review it. So we're not wasting time reviewing an
40 inadequate or an incomplete application.

41
42 Councilmember Floreen,



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1 Defining the process correctly is as important as the staffing levels I think, so that
2 everyone is using the same language. Also for community outreach and for knowing
3 who to communicate with on what. So I guess my question is, do you feel that you have
4 the staff -- now that you've really redone most of the process, are you done with the
5 process -- ?

6
7 Ms. Krasnow,
8 The manual has been sent to you for review. I know there are some concerns that Jeff
9 Zyontz is voiced that we perhaps jumped ahead in terms of processes that aren't
10 actually allowed by code at this point, so.

11
12 Councilmember Floreen,
13 Well, detail. But -- .

14
15 Dr. Hanson,
16 Go ahead and approve it; we won't do the ones that are not allowed.

17
18 Councilmember Floreen,
19 You have the process in place you feel that you would like to see. And the people more
20 or less -- .

21
22 Ms. Krasnow,
23 I think we're in better shape. We need to hire this service coordinator who will help us
24 respond more quickly to some of the correspondence that's coming in that will help
25 keep applicants informed of where they are in the process.

26
27 Councilmember Floreen,
28 And if you have clearer opinions or clearer staff reports, you can have clearer
29 resolutions so that everybody knows what the Board approved.

30
31 Dr. Hanson,
32 There's one other thing -- .

33
34 Councilmember Floreen,
35 And the legal staff won't have to rewrite things and will take [inaudible].

36
37 Dr. Hanson,
38 Right. And listen to the tape and all of this. The other thing, there is a text amendment --
39 .

40
41 Councilmember Floreen,
42 And Board members are making clearer motions I'm sure.



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1 Dr. Hanson,

2 There is a text amendment before you also, I believe, or an amendment before you that
3 would allow the Planning Director to approve certain kinds of very small amendments to
4 plans. And one of the things that slows things down now is that all amendments, no
5 matter how insignificant, must come back to the Board.

6
7 Councilmember Floreen,

8 So is there something in our -- .
9

10 Dr. Hanson,

11 Come again. So if we have this on consent agenda.
12

13 Councilmember Floreen,

14 So there is something in our court too that we need to deal with. Okay. So otherwise
15 then, you think that the vacancy issues, once resolved, at least these several positions,
16 ought get you back on a predictable schedule for a delivering -- for a clearer -- clearly
17 understood process that all the players can follow?
18

19 Ms. Krasnow,

20 From the standpoint of development and review, yes I do. I think that once we get these
21 three final positions filled, we will be in very good shape. We still have to work on an
22 issue -- it is an issue that perhaps involves where you can help too. We still have trouble
23 getting other agencies to provide us comments in a timely manner. And it has become
24 increasingly frustrated as we are trying to streamline our process. If you think back to
25 '05 try..we're supposed to tattletale in effect when we're not getting those comments in a
26 timely manner. It puts us in a tricky position you know.
27

28 Councilmember Floreen,

29 [Inaudible]. Take this up if you need us to knock heads around.
30

31 President Praisner,

32 Absolutely. I mean if the checklist shows that these aren't coming in on time, that's fine
33 to be told. Have we solved the Hanson problem of -- ?
34

35 Dr. Hanson,

36 Yes.
37

38 President Praisner,

39 Okay, good.
40

41 Dr. Hanson,

42 Well, it depends on which Hanson problem you were talking about.
43



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1 President Praisner,
2 You know the one I mean.

3
4 Dr. Hanson,
5 The [inaudible] system is under control.

6
7 President Praisner,
8 Folks I know that some folks had planned on 4:00 as the time when they had other
9 obligations. So I want to try and work through this.

10
11 Councilmember Floreen,
12 Those were my questions about the [inaudible].

13
14 President Praisner,
15 Thanks. We have under Planning Department issues the Zoning Ordinance rewrite,
16 which obviously we've all talked about a little, but the Council is very anxious to have
17 some progress on and as are you, I think. We had the agricultural initiatives where the
18 Council, I believe, is waiting for some items especially related to the Sand Mounds and
19 some of the other things that are phase two so that we can introduce them and deal
20 with them. As Dr. Hanson knows, we have held off on the final actions on the BLT and
21 the child lot issue in order to integrate them with a more equally significant Sand Mound
22 issues that were mid-range. And we have the issue of the Master Plan timetable, which
23 is another issue the Council is anxious to see some modifications to as soon as is
24 possible. And we have the project that you've proposed. We also have the Master Plan
25 schedule, which shows some slippage and some on track. And I must say more on
26 track or close to on track than we've seen in the past, it appears to me just in looking at
27 it. So I think that's a good sign. The one question staff asks here and then I'll turn to
28 Councilmembers, is -- well the concern raised about Westbard. I think the timetable if
29 we don't get it and don't have the capacity for the Council to deal with mainly to a new
30 Council dealing with it. But the other issue is any modification or clarification needed on
31 what's happening with the Gaithersburg Master Plan since we had been led to believe
32 that the Planning Department was going to propose a change to the scope of that. And
33 then the White Flint; those are the two items that Marlene has raised. So I would like to
34 talk about the Master Plan schedule because I think some Councilmembers are
35 interested in that -- anxious about that, and then go back to this issue of the other items
36 here. Gwen, you want to comment on Gaithersburg and White Flint?

37
38 Unidentified,
39 [Inaudible].

40
41 President Praisner,
42 Well we're going back to parks. We aren't done with parks. Parks is next. Gwen?.



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1 Ms. Wright,

2 Yes. On Gaithersburg, as you know, there is a Gaithersburg West and a Gaithersburg
3 East, and the question is are we proposing to do all of it or just part of it. And what we
4 would like to propose is a change in scope, and we would like to get your agreement
5 that the schedule you see here would be dealing with Gaithersburg West. As you know,
6 there are studies going on at DPWT about the feasibility study for M83. We think that
7 that's a central issue in terms of Gaithersburg East. We think that should be allowed to
8 play out that study before we really dive into Gaithersburg East. We have found as we
9 have gotten into Gaithersburg West that there are some extremely big issues -- very,
10 very meaty issues that relate to the CCT, that relate to John Hopkins, that relate to a
11 number of major properties. And it is a bigger task and I think deserving of being on its
12 own track.

13
14 President Praisner,

15 Okay.

16
17 Ms. Wright,

18 So we are requesting at this point that this schedule would relate to Gaithersburg West
19 and that we would come back with a schedule for Gaithersburg East after the M83
20 feasibility study is complete.

21
22 President Praisner,

23 Okay. I don't know since it is not really explained in depth in the packet that
24 Councilmembers -- and since we don't have a full Council -- can say to you, yes, okay at
25 this point. But what I would like to do, Marlene, is to do a memo to the Council on that
26 issue and have any Councilmembers who have concerns or questions to let you or me
27 know by a date certain, in which case then we can get the consensus of the Council on
28 your request. I don't think we can sign off on it today. Okay?

29
30 Dr. Hanson,

31 [Inaudible].

32
33 President Praisner,

34 I'm going to call on individual Councilmembers but I just -- there is no way there are
35 Councilmembers who aren't here who may want to comment. Vice President Knapp and
36 Councilmember Andrews, in that order.

37
38 Vice President Knapp,

39 Thank you. No, I just -- I agree with the President's recommendation. I guess the only
40 thing I would add is if we could get some more definition from Gwen or from whomever
41 to put in that memo so we have some understanding. I agree with you, I think there are
42 weightier issues that need to be addressed, but just to be able to articulate those, we



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1 can go back to the community and be able to explain to them why the proposal may
2 makes sense.

3
4 Dr. Hanson,

5 Gwen and I have talked, and she has talked to staff about a response to the e-mail that
6 you sent me the other day with regard to the CCT and some kind of way of creating
7 more advice and push on that.

8
9 Vice President Knapp,

10 Okay. Do you want to me to talk about more Master Plan issues right now or just this?

11
12 President Praisner,

13 Let's deal with the Gaithersburg question in case Councilmember Andrews has a
14 question, and then Councilmember Floreen. And then we'll go back to the Master Plan.

15
16 Councilmember Andrews,

17 Thank you. All right. So the argument for splitting them up is they are both big plans and
18 on separate tracks in terms of how you want to consider M83 and the Gaithersburg East
19 Master Plan. And the question I have, and I know the community has been concerned
20 about this and I'm concerned that it wasn't described in the semiannual report because
21 the community wouldn't know that other than what has already been out there they
22 wouldn't know from this that you're planning something different than what was officially
23 planned.

24
25 President Praisner,

26 That's why I want to give us time.

27
28 Councilmember Andrews,

29 How will that affect the ability of people to have an influence who are in the
30 Gaithersburg East Master Plan on the Gaithersburg West Master Plan. There's a
31 concern that if they are divided up, they'll have less influence on that half because they
32 are not in the borders of that plan. How are you going to deal with that?

33
34 Ms. Wright,

35 Well, I mean, I think that our intent is that the Gaithersburg West plan will have an
36 inclusive outreach strategy. It is not intended that only the property owners in
37 Gaithersburg West will be the only parties consulted in that plan. And I think we
38 certainly can commit to assuring that all citizens of the Gaithersburg vicinity are kept
39 apprised of the progress of the Gaithersburg West plan and invited to come to
40 community meetings and public hearings.

41
42 Councilmember Andrews,



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1 Part of what I hear out there is that by splitting up the plans, it affects the balance of the
2 transportation within each plan, and for those people in the Gaithersburg East area who
3 may be very opposed to M83, separating the plans out I think weakens their argument
4 they feel. Because if they were grouped together then things in Gaithersburg West
5 could perhaps compensate for what may not be balanced if Gaithersburg East is broken
6 out separately. That's part of what I hear out there. So that I think is part of the concern
7 which is why they -- there is some concern about splitting them and there's also a
8 concern about how that would change the recommendations.

9
10 Ms. Wright,

11 Well, that's new information for me. I had not heard that particular viewpoint. And I think
12 we could certainly, you know, go back and talk to our planning staff about, you know,
13 how we can take that into consideration. I think that part of the issue as we get into
14 plans -- there is always a balance. On the one hand we're talking about in our Master
15 Plan reassessment, doing smaller geographic areas that are specifically focused with
16 maybe a smaller range of issues. And there is always the problem of doing that and
17 then not having perhaps the more global or larger countywide view of a particular
18 project and its impact. I think the Gaithersburg West and Gaithersburg East plans are
19 actually a good example of plans that are just very different. They have completely
20 different sets of issues. They involve different kinds of resources, and that would make
21 sense to do smaller geographic area plans, one for each area focused on the specific
22 interests and special qualities of those geographic areas. But I certainly understand that
23 we're all connected in one way or another frequently by roads, and that that is
24 something that also needs to be taken into account as we move toward this idea of
25 smaller geographic plans.

26
27 Dr. Hanson,

28 I think the other consideration here is that if the scope of the project is expanded, this
29 schedule will have to be amended.

30
31 President Praisner,

32 But you are narrowing the scope.

33
34 Councilmember Andrews,

35 The original plan [inaudible].

36
37 President Praisner,

38 The original plan was for all of Gaithersburg.

39
40 Ms. Wright,

41 And I think what we have found is that as we've gotten into all of Gaithersburg It's a
42 pretty big bite to chew.



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1 Councilmember Andrews,
2 It is.

3
4 Ms. Wright,
5 And that separating it out makes it a more manageable bite. But I do understand the
6 concerns also about the interrelationship.

7
8 Councilmember Andrews,
9 I've kept an open mind on it. And I think they -- the thing that I want to understand is
10 what are the ramifications of splitting that up? How does that change things in terms of
11 involvement and potential factors that are considered that would be different if they are
12 split up than if they were together in terms of transportation balance and things like that.
13 Because that's part of what is -- .

14
15
16 President Praisner,
17 Perhaps you can work with Marlene on the memo because I see the memo is also
18 providing some input to the community of your expectations on this. Allison?

19
20 Mr. Bryant,
21 I was going to suggest, Madam President, that also I don't see the difficulty for these
22 purposes in making sure that you have representation from the east when you're
23 working with the west and from the west when you're working with the east from the
24 standpoint that that would be their principle objective is to look at where we need to
25 make sure that we are integrated, et cetera, and represented. I think that that approach
26 I will be making to my colleagues. And that should help to ameliorate some of the
27 concerns that you expressed here.

28
29 Councilmember Andrews,
30 I would imagine part of the concern is also time, and that people will then have to go
31 through two master plans rather than one. And two master plans can be very time
32 consuming for people to participate in, and I would imagine that's a concern also of
33 some of the members of the public. So I think it is a significant change. I don't think
34 maybe that all the ramifications of it haven't been thought through or at least
35 communicated to us and to the public. I think that's very important to do. So I look
36 forward to working on the development of the memo and getting some feedback.
37 Thanks.

38
39 President Praisner,
40 Councilmember Floreen, on this issue.

41
42 Councilmember Floreen,



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1 Thank you. I've got a lot of concerns about this proposal. Luckily Marc doesn't stop
2 working on the annual growth policies; he's got a chart out here of your system and
3 Gaithersburg East is in the problem area. So I think it is troubling to -- .

4
5 Unidentified,
6 [Inaudible].

7
8 Councilmember Floreen,
9 [Inaudible] However you look at it. What it has identified is that there is an area that
10 needs some attention. And given -- your intention to build but [inaudible] with this stuff. I
11 mean we really do have to move this forward, not only because of the points Phil has
12 made, but this was supposed to be linked to a certain degree with Germantown. M83
13 has implications for both.

14
15 Dr. Hanson,
16 And Clarksburg as well.

17
18 Councilmember Floreen,
19 And Clarksburg; well but at least these two plans are on the list. And we know what
20 happens when you take something out. It just sinks to the bottom of the line. So I would
21 -- I appreciate the challenge that you've got, but I don't see how we can -- if we're going
22 to be -- move more rapidly, we've got to move more rapidly because we've got all of
23 these other things that people want to do.

24
25 Dr. Hanson,
26 Just to caution you on this that if you're going to move more rapidly and expand the
27 scope.

28
29 President Praisner,
30 No. We're narrowing it.

31
32 Dr. Hanson,
33 Wait a minute.

34
35 President Praisner,
36 Well, but, Royce, you are narrowing the scope. The scope in front of us that we have
37 discussed is for full Gaithersburg and vicinity. You are narrowing the scope to bring us
38 in a bifurcated way. That's the point our staff is raising from a standpoint of the Council's
39 choices. And it seems to me that the questions in front of us are, are we -- do we accept
40 your bifurcation. And if we do not bifurcate, given what you've said about the
41 complexities, does that affect the schedule.

42
43 Dr. Hanson,



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1 Yes.

2
3 President Praisner,

4 That -- well, but that's what we don't have in front of us to discuss. So that's why I'm
5 suggesting Gwen work with Marlene so that you have -- because none of this is laid out
6 here. None of -- that you have for us a more comprehensive discussion of the issue.

7
8 Dr. Hanson,
9 We'll do that.

10
11 President Praisner,

12 So that we have a chance to consider whether we'd prefer a combined, continuous as
13 presented earlier -- previously plan with an implication of a date difference versus a
14 bifurcated with one piece not even on this list. And the second issue that I have to say
15 again from Nancy's perspective and mine, how does the modified master plan schedule
16 that you're working on affect these plans and the dates?

17
18 Councilmember Floreen,

19 The other thing is that you have -- you're the ones who added the 355/270 Carter study.
20 One would think that that was your plan. That wasn't actually our idea. One would think
21 that that would enable you certainly on the east side issues to be prepared to deal with
22 some of that at least. I don't know what that is about but one would think that that should
23 be a useful tool, which I understood to be your point there -- that this would give you the
24 research as the thinking the whatnot, so that when you got to the plan you had some
25 guiding principles. So I made my point but I am -- I don't think we can delay this stuff.

26
27 President Praisner,

28 Well, with that, without the Council making a decision, if you could work, Gwen, with
29 Marlene to develop a memo that could then be circulated to Councilmembers with a
30 time certain for a reaction with the options that you're talking about and the implications.

31
32 Dr. Hanson,
33 I think the Board will give you a recommendation on this.

34
35 President Praisner,
36 If we could move on.

37
38 Councilmember Floreen,

39 Mrs. Praisner, I guess I'd say if we're going to go that way, I really would understand
40 what it meant that we would not be addressing. I mean the specifics. The kinds of
41 issues that would then be delayed for later attention.

42
43 President Praisner,



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1 Okay. Anything else on the planning process including anything associated with the
2 Planning Board Master Plan schedule. Vice President Knapp.

3
4 Vice President Knapp,

5 Thank you, Madam President. I had just a couple pieces. First is we had a conversation
6 over the summer, it may have been the last annual meeting, in which I think Mr. Elrich
7 raised the issue of trying to speed up master plans. And we said we would try and do
8 three a year, and you guys thought that was a good idea too. Looking at the plan that's
9 in front of us though, with the pushing back of Twin Brook until March that actually
10 makes it difficult I think to get three master plans done next year given the way the rest
11 of the Council schedule will break out with various budgets and activities. And so I
12 guess one of the things I would like to pursue is if it's possible to potentially accelerate
13 that so that that's before the Council so the Council could actually potentially consider
14 that in the March/April timeframe in-between its budget deliberations, as opposed to
15 wait and try to do two master plans in the summer.

16
17 Unidentified,
18 Twin Brook.

19
20 Dr. Hanson,
21 Twin Brook, we will be complete with that. We've got that scheduled for public hearing
22 on November 15th. And that means in all probability that it will be ready to send forward
23 at the end of December.

24
25 Ms. Wright,
26 Right and then the Executive has 60 days to review it. I think that realistically Twin
27 Brook, because of the public hearing date but also because we're working on the new
28 zones that would be associated with it and that we don't want to send that plan up
29 without those zones.

30
31 Vice President Knapp,
32 That doesn't work very well.

33
34 Ms. Wright,
35 Realistically I think the earliest we will be able to transmit to the Council and Executive
36 is January. And that would then give it to you in March.

37
38 Vice President Knapp,
39 Assuming that the Executive takes the full 60 days.

40
41 Dr. Hanson,
42 Assuming the Executive takes the full 60 days.



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1 Vice President Knapp,
2 Okay.

3
4 Dr. Hanson,
5 You can begin thinking about it before then.

6
7 Vice President Knapp,
8 Well -- .

9
10 President Praisner,
11 In our spare time.

12
13 Vice President Knapp,
14 I think I -- I'm very mindful of what both Ms. Floreen said and what Mr. Elrich has said
15 earlier, I think we -- we haven't done a master plan in two and a half years at this point.
16 So I think it is going to be important for us to get at least three in next year, and so to try
17 to do two in the summer is going to be tough.

18
19 President Praisner,
20 For four Councilmembers -- .

21
22 Vice President Knapp,
23 It's a new process.

24
25 President Praisner,
26 It's the first time you're doing that.

27
28 Vice President Knapp,
29 So to the extent that we can do Twin Brook as quickly as possible -- again recognizing
30 quality issues. Specifically as it relates to Germantown, I've met with a number of folks
31 who are concerned that while the process of discussion has begun, that the actual
32 tangible concrete discussion of looking at potential zones, looking at some of the more
33 tangible activities has not yet begun. And so as they look back at the dates that you've
34 outlined here, many of them having gone through master plans in the past, they sit there
35 and say they don't see how the dates add up. They think you've run out of time in the
36 middle. And so they are -- would like to urge and I would like to urge that we get to the
37 more substantive part of that discussion with the community in the coming weeks as
38 opposed to potentially waiting until the January timeframe, because I think the
39 community is ready to engage. In order to keep the other pieces on track I think that's
40 going to be important for us to do.

41
42 President Praisner,



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1 If I can piggyback, I think that's the point that Councilmembers continue to say that the
2 preliminary time work is one place where the Council believes time can be shaved off
3 the process, whether it is a small place or a big place. And I know the complexity but
4 there is this development of documents that may or may not be necessary in its format
5 for the future master plan process.

6
7 Mr. Robinson,
8 Madam President, I think the Board shares your concern particularly in Twin Brook and
9 White Flint plans. We have attempted to institute a new protocol which is -- bring us the
10 issues right up front and then we'll find. I've heard from colleagues of mine in the city
11 movement and the business movement -- community that part of the problem with
12 community consultation is they go to a meeting and they don't know what they are going
13 to talk about. And it seems to me that as the Planning Commission, we're the land use
14 experts. Our staff should take the issues to the community and to the business
15 community and give them something to focus on right at the beginning. That should
16 accelerate I think some of the preliminary processes that Mr. Knapp in particular is
17 referring to and which you've alluded to.

18
19 Vice President Knapp,
20 No, I think you're right.

21
22 Mr. Robinson,
23 That is a change in protocol we're trying to implement.

24
25 Vice President Knapp,
26 And that's where the community, I think, is frustrated now. They are ready to engage.
27 Give us the real things to talk about. We can talk about concepts until the cows come
28 home.

29
30 Ms. Wright,
31 One of the things I think that is different that we're doing different is trying to come in
32 and have more work sessions that are public work sessions with the Board and the
33 community before the preliminary draft amendment is published with the hope that that
34 will ultimately mean there will be fewer work sessions after the preliminary draft is
35 published. In fact, we're having our first, as you probably know -- first of those such work
36 sessions with the Board and the community and the staff on Germantown is actually this
37 week. It is going to be on Thursday evening. And again the other thing though that we're
38 very cognizant of is that in addition to the plans, we have to be working on the zoning
39 tools at the same time. And I'm not saying this is an easy schedule we've laid out for
40 ourselves, but the other choice is to let these important areas drag on for a long, long
41 time, and we don't want to do that either. So we are prepared to really, you know, be
42 working very hard over the next six months to try to achieve these deadlines. And they
43 are more aggressive deadlines than we have ever had.



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1
2 Vice President Knapp,

3 Okay. And then just two more quick ones; the first is back at the Zoning Ordinance
4 rewrite, in Phase One Transit Station Zones. In Marlene's package she talks about
5 referencing the fact this is important because we're going to do Twin Brook and White
6 Flint. And I would merely submit that given the conversation we have had as it relates to
7 Germantown, Gaithersburg East/West or Gaithersburg and vicinity, however we end up
8 doing that, that we begin to look at what transit zones mean beyond just metro stations
9 and really look into corridor cities, because that tends not to be a part of the discussion.
10 Or purple line. So I would just urge that we have that as part of the discussion. And then
11 my last piece is if you can kind of give us some sense as you send over the 355/270
12 vision, as I understand it that kind of sets the framework or identifies the principles for
13 that will then begin to look Twin Brook, White Flint and Germantown, presumably. How
14 do you see presenting that to us and kind of what's the process by which we get that
15 and then can kind of have that as a framework to look at the other activities.

16
17 Ms. Wright,

18 Well, you know, it is a study. It is not a plan that we'll be asking you to vote on or take
19 an official action on. We'll be transmitting that in probably right around the first week of
20 November. And what our intention is, is to actually go out and do a community briefing
21 on the study after we have transmitted it to you to let the community see the outcome of
22 all of the various discussions that have taken place over this long period of time. I don't
23 know, and I haven't really had a chance to discuss with Marlene whether the Council will
24 want to hold any kind of briefing or public hearing or meeting of some sort with the
25 public on the study. And if you do decide to do that, we're certainly glad to provide
26 whatever support is needed in that regard. It is not a document that you'll be asked to
27 vote on. And so I don't know what the most appropriate mechanism for you review is.

28
29 President Praisner,

30 Well let me work with staff, but I worry about to some extent taking -- depends upon
31 how it is shaped. One could argue we have got your centers and boulevards document
32 as well, and perhaps we should have a conversation about that given the work and the
33 time associated with it. How or if the community in a hearing process should be
34 engaged as opposed to in some other format to provide input to the Council and what
35 exactly the Council would be commenting on and to whom, obviously to the Planning
36 Board, beyond that though is something I think I need to think about and talk to my
37 colleagues about, but also think through from a perspective of what this animal is that
38 we're getting as oppose to a master plan.

39
40 Dr. Hanson,

41 We would probably want to hold a public forum on it. You may want to wait and see
42 what the outcome of that -- response to that it.



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1 President Praisner,

2 I think it would be important for you to share with Marlene what your plans are on both
3 documents perhaps, and then for us -- me to have a chance to sit down and chat.

4
5 Vice President Knapp,

6 And I would just urge if you do public outreach, which I think is a good thing, to look at
7 both ends of that 355-270 corridor. I know there is obviously -- an obvious reason to
8 focus on Twin Brook, White Flint area, but I think clearly -- .

9
10 Dr. Hanson,

11 This looks at the whole corridor from Friendship Heights to Hyattstown.

12
13 Vice President Knapp,

14 But then I think to do some outreach on both ends would be very helpful. So thank you.

15
16 President Praisner,

17 Anything else on planning before we move to parks? If not, rather than go through each
18 of these, Marlene has identified some items including the status on Silver Place; and as
19 we have indicated, we will be having a PHED Committee conversation since it was part
20 of the budget actions of the PHED Committee which the Council accepted that relates
21 to the management of the athletic fields and the funding of the management of athletic
22 fields that our school athletic fields that the school ball fields that we do need to talk
23 about. The Wisconsin Place Community Center, the issue that Marlene raises is of
24 course something that I guess thinking through from some of the comments this
25 morning on the infrastructure, financing is the ad hoc way in which we approach some
26 of these things versus thinking through all of the implications. Point being that we have
27 a -- one might call a private/public partnership. It is referred to as an amenity here, but
28 that -- and that's supposed to open in the fall of 2008. Fortunately we have a year. But
29 there is no how you bring on board this creature and what you do with it and how you
30 fund it and how you manage it, nobody has thought through those pieces. Certainly not
31 within the Rec Department's long-range plan that I recall seeing as a PHED Committee
32 member. And obviously this is Operating Budget but it has Capital implications. So the
33 comment this morning in the infrastructure group related to private-public partnerships
34 was that -- I think it was related to that, but it was Mr. Mason's comment about -- that we
35 tend to be doing this on an opportunity basis rather than thinking about it proactively
36 and thinking about implications of a variety of things comprehensively and
37 deliberatively. And I would extend that conversation to the issue of either in Master
38 Plans suggesting facilities that are private-public partnerships that have implications,
39 maybe they don't show up on our Capital Budget but they sure as heck show up at
40 some point. And they have staffing and management implications. So I think we need to
41 think of these things. That's the only comment I have. I know Mr. Andrews said he had
42 some questions and Councilmember Floreen and Vice President Knapp have their
43 lights on. So, Phil, I'll go to you first because you make dibs on Parks first.



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1
2 Councilmember Andrews,
3 Thank you. Actually this is a question from Councilmember Leventhal who had to leave.

4
5 President Praisner,
6 Yes, he has a class.

7
8 Councilmember Andrews,
9 And I think it's a good question. And this is for Mary Bradford. And the issue is Rec
10 buildings we've read about and heard about the conclusions of the studies that led the
11 Rec Department to conclude that -- .

12
13 President Praisner,
14 No, Parks Department.

15
16 Councilmember Andrews,
17 Parks Department, sorry, to conclude about Garrett Park and Randolph.
18 Councilmember Leventhal wants to raise a concern about another building that is next
19 to the Wheaton Library that is Park and Planning building that is used by lots of
20 community and nonprofits. That's your Metro. And his concern is that Park and Planning
21 is looking at the renovation of these buildings too narrowly and wants to encourage the
22 Council -- Park and Planning to work with the Council, the County Executive and with
23 the business and nonprofit community to find broader ways to maintain these buildings
24 and keep them open. And so that is the concern that Councilmember Leventhal wanted
25 to put before Ms. Bradford.

26
27 President Praisner,
28 Well I think on that property and on a variety of issues related to Wheaton, there are
29 conversations that are going on. I'm sorry Councilmember Leventhal may not be aware
30 of them, but I think we can brief him on the kinds of issues that going on in the Wheaton
31 area.

32
33 Councilmember Andrews,
34 Okay. Then I have one question. And that is, your slide show indicates that there are
35 172 fields currently at 71 schools that are maintained by Park and Planning. Can you
36 describe again what's the -- how are you determining which ones you're maintaining
37 and which ones MCPS is maintaining?

38
39 Ms. Bradford,
40 We maintain all of them.

41
42 Unidentified,
43 Elementary and middle school.



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1
2 Councilmember Andrews,
3 All right. Okay.

4
5 President Praisner,
6 Not the high school.

7
8 Ms. Bradford,
9 We don't do the high schools except for a couple that where we have sort of shared
10 park uses are actually on park sites such as Blair. But Blair High School is a little
11 different. All the middle school and all the elementary school fields are our responsibility
12 to maintain.

13
14 Councilmember Andrews,
15 Okay. And then one or two of the high schools you said.

16
17 Ms. Bradford,
18 And one or two of the high schools because that's a different ownership.

19
20 President Praisner,
21 But when we did the budget for Park and Planning Commission in the spring, one of the
22 issues to get to a level of funding and also the broader issue of this relationship
23 between two agencies, the PHED Committee recommended that the Council only fund
24 through the contract that -- or the relationship that existed with the school system, which
25 is half a year basically. And that before the half-year is over that the Council come back
26 and have this conversation with the school system and Parks about the appropriate way
27 of either doing the task -- of both doing the task and the funding the task. And that
28 conversation is scheduled for a PHED Committee meeting later this month.

29
30 Councilmember Andrews,
31 And one other question. And that is how has the drought affected the condition of the
32 fields? I assume it's fewer -- obviously fewer rainouts, more intensive use, less
33 watering. What is the condition of the field?

34
35 Ms. Bradford,
36 Well it's interesting you talk about that. I mean we can't -- we have been trying to make
37 it rain but our dances aren't working, and what we have is a lot of fields that have been
38 treated properly. They are perfectly playable except in the drought, as someone was
39 actually saying this morning, the grass tends to clump up in tufts and that makes for an
40 uneven playing surface. We have very few fields that are irrigated and a great many
41 barriers to getting an artificially -- a lot of artificial turf fields in our most heavily used
42 parks. And we're working through that, but without irrigation those fields that are just out
43 in the open have been damaged. It has been quite a blow.



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1
2 Councilmember Andrews,
3 Thank you.

4
5 President Praisner,
6 Council Vice President Knapp.

7
8 Vice President Knapp,
9 Madam President. Just a bunch of quick ones and some I think we'll have some
10 answers and some you'll have to get back to me on. First, as I understood it there was
11 an acquisition before in South Germantown Recreation for an additional 23 or 25 acres
12 at one point. I don't know what the current status of that is, and I just wanted to see if we
13 know where it is and what the next steps are.

14
15 Ms. Bradford,
16 I believe the board is -- if we're talking about the same property, the board has approved
17 acquisition of a parcel -- a large parcel adjacent to South Germantown Recreation Park.

18
19 Vice President Knapp,
20 And what's the -- what are the next steps for how that plays out or -- ?

21
22 Ms. Bradford,
23 We could get you the information about exactly where we are in the process. But we do
24 have approval to purchase that land.

25
26 Vice President Knapp,
27 Perfect. What's that at the equestrian center. [Inaudible] I need to -- as I think I shared
28 with a number of you, there is great concern in the community -- I don't necessarily
29 know that people are for or against anything, they are just not sure as what the next
30 steps are, and so there is concern because of potential confusion. And so I think it is
31 important to have some type of dialogue with the community in the near term. And I
32 know there were some actions that were taking place on your side and trying to
33 determine when the best time to have that meeting would be. So I just wanted to try and
34 follow up and see where -- .

35
36 Dr. Hanson,
37 My office is working both with the city of Poolesville who has asked for something on
38 this, and also with communities to see if we can set something up so that we can share
39 our uncertainties.

40
41 Vice President Knapp,
42 Keep me posted if you would, please. I'd appreciate that. And then finally this was an
43 issue that had come up year and a half or so ago. And I'm not even -- actually maybe



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1 longer ago than that. We apparently have a number of trails that traverse through the
2 AG Reserve but a number of properties that connect those trails that many, I guess
3 equestrian users participate, and there was an effort at one point to try and see how
4 those trails connect or interconnect. And there had been a presentation at one of these
5 previous meetings a couple years ago, and then it kind of went away. And so
6 periodically I'll get residents that will ask especially as the equestrian uses that we have
7 in our county continue to increase; and so I don't know if that's being something that's
8 being actively pursued or -- .
9

10 Ms. Bradford,

11 It is. We have -- as you know David Tobin was here earlier and you may have seen him
12 in the audience. We hired him on as an equestrian manager. And he's taking a look at
13 all of that. He's resurrected the 2004 horse study, looking at that, how we might update
14 that. And as you know we have upgraded our trails program to take a look at
15 connectivity. With the specific request about equestrian trails -- the connectivity; if you'd
16 like I will try to get more in depth answer back to you on that specific topic. But that is
17 something I am aware of, and that is something that staff is looking at.
18

19 Vice President Knapp,

20 Great. And then finally as we have touched on this, but the rec centers and your study
21 of them; what are the next steps for your analysis and then recommendations just so we
22 can community that back to folks as they have questions now that there has been more
23 publicity brought to them or to that process.
24

25 Ms. Bradford,

26 I invite you and all the members of the public to a town hall meeting that we're holding
27 this evening at 7:30 at Brookside Gardens on that topic, October 16; and we are going
28 to continue our public outreach on all of these buildings in a variety of communities.
29 We've already met with some. But we'll go anywhere, anytime to hear what the
30 community has to say. Our study covered the cost of renovation and the condition of the
31 buildings and the revenue they were bringing. But all the other factors -- we should get a
32 lot out of the public being and learn what's -- what's the appropriate course to take.
33

34 Vice President Knapp,

35 But is there a goal for an end point in time for you to make a decision or
36 recommendation back to the Planning Board?
37

38 Ms. Bradford,

39 There was a date originally set up for November, but we're going to push that back for
40 as long as it takes to get the information we need to make a good decision.
41

42 Vice President Knapp,

43 Okay. Thank you very much.



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1
2 President Praisner,
3 Well the PHED Committee was briefed on basically the approach.

4
5 Ms. Bradford,
6 In July.

7
8 President Praisner,
9 Before the Planning Commissioners had gotten their briefing I believe. It was about the
10 week before because of our schedule.

11
12 Ms. Bradford,
13 Right. Actually it got accelerated in the public eye largely because of scheduling.

14
15 President Praisner,
16 But part of the problem, I want to interject, is I've been fielding as Council President a
17 variety of complaints and concerns that -- where the community was left with the
18 impression that the Council had required this process and -- .

19
20 Dr. Hanson,
21 That was my understanding.

22
23 President Praisner,
24 Well, if we're going to rewrite history -- two can play. But I just think it would be
25 important to make sure that whether -- if there is anything from a standpoint of asset
26 review and infrastructure, we were looking at that comprehensively and Mike Riley sent
27 in a whole host of buildings that looked -- whole host of meetings as a member of the
28 working group on infrastructure that was an assessment of the buildings but an
29 assessment of the infrastructure needs, and not a process that directed anyone to
30 review its buildings for closure or reuse or anything else. What it was trying to do is do a
31 comprehensive cost assessment and to have some consistent structure of approach to
32 lifecycle of assets. So I want to make sure since this is my first chance in a public
33 Council meeting to set that record straight. The other thing that occurred to me as I've
34 done through this process is we have recreation buildings owned by the county
35 government under the Department of Recreation that we call community buildings --
36 community centers. And we have recreation buildings under the Parks Department of
37 Park and Planning Commission that are really community centers. They are not the full
38 blown gyms and exercise rooms and everything else. And that is confusing the
39 community in a variety of the conversations. I really think at some point we need to look
40 just at our vocabulary about whether it's the Rec Department or the Park and Planning;
41 and we can always resurrect the study of 1993, I think it was, of whether Recreation and
42 Parks -- and that whole issue. But the problem is we have community centers by name



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1 that are really rec centers and we have community -- rec centers by name that are really
2 community buildings that are used for a whole variety of things.

3
4 Ms. Bradford,

5 You're absolutely correct, Madam President. And if you'll look on page 106 of the
6 Semiannual Report you'll notice that we call it Park Activity Centers just for clarification
7 because we think that that is misleading. I understand that in the dim memory of time --
8 .

9
10 President Praisner,

11 Dim to me too.

12
13 Ms. Bradford,

14 They were called park cabins at one point many of them, and that is more descriptive in
15 some ways. But it is true the nomenclature is a problem.

16
17 President Praisner,

18 Councilmember Floreen.

19
20 Councilmember Floreen,

21 Well not to leave the subject; I think, at least based on my experience -- and thank you
22 for coming out and meeting with the park folks. I think what some of the community
23 excitement over this results from is in our effort to plow ahead and be comprehensive, I
24 don't think we can find a one-size-fits-all -- use even a one-size-fits-all approach to
25 addressing these issues, because there are a whole range of concerns or at least
26 community needs that need to be recognized in all of this. And I think the challenge that
27 your staff is facing is that they've done what they've been asked to do, but it did involve
28 looking at the wider picture. And so I don't -- great that you're doing a town hall thing,
29 but I do think we're going to need to get -- you're going to need to get into this on a site-
30 by-site approach.

31
32 Ms. Bradford,

33 Yes, absolutely.

34
35 Councilmember Floreen,

36 Because at least the little places that aren't generating income -- I don't know that -- that
37 we're going to expect that of them, but they serve a function to the community that's
38 very important and one that needs to be thought about very carefully. And I think
39 because the community has only been engaged in the first part of thinking about it and
40 having seen the range of potential solutions that might come along, apart from what is it,
41 a transfer demolish, they are understandably concerned. And so I think that we -- it is
42 incumbent upon us as the stewards of these facilities everywhere in the county. I'm not



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1 sure that there is one name that can work for all of these and maybe there is a way to
2 look at the ownership.

3
4 Mr. Hanson,

5 There is clearly not one solution for these, and one of the problems that I think both of
6 our organizations have to confront on this is that there are some buildings that a
7 decision may have to be made as to whether to expend a substantial amount of money
8 to restore them to good, safe, usable space or to replace them, or to find a substitute for
9 them; or as we said in some cases, maybe they should be transferred to another
10 agency and renovated. But all of those are potential possibilities.

11
12 Councilmember Floreen,

13 And I think -- I'm just very concerned by some of the tenor of the community anxiety and
14 some of the reporting that's occurred that suggests that decisions have been made -- or
15 that these might be the only two or three options that might be available. Because some
16 of them really might work for other facilities, but especially when you're dealing with a
17 small community -- small they really are park activity centers or something of that sort. I
18 just think we have to be very careful about appearing to look at a global solution that --
19 to perhaps even a problem that doesn't exist.

20
21 President Praisner,

22 Well the conditions of the buildings do exist, Nancy.

23
24 Councilmember Floreen,

25 Well right, but Mrs. Praisner, if we were to go up and look at all of our homes, I bet none
26 of them would meet code today. And that's the way it is because the rules change all
27 the time.

28
29 President Praisner,

30 But the public [inaudible].

31
32 Councilmember Floreen

33 Speaking to myself alone and.

34
35 President Praisner,

36 That may be true [inaudible].

37
38 Councilmember Floreen,

39 If I could just finish, I think this is what I think we need to be careful about. It is good to
40 have baseline data, but there is concern that some cases decisions have already been
41 made apparently and other cases there might be community confusion about that.

42
43 Dr. Hanson,



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1 There is another aspect of this too. And to some degree matters of this sort are often a
2 victim of another good thing which is transparency.

3
4 Councilmember Floreen,
5 Yeah.

6
7 Dr. Hanson,
8 And so when a -- I think it -- I think the incident that we're all talking about here is a
9 reaction to the report emphasizes to us the way in which we receive these reports in
10 many cases, and studies, and how we classify the action or inaction that's being taken
11 at a particular time. We do need to get this kind of information.

12
13 Councilmember Floreen,
14 Well not everything is ready for prime time -- as we start thinking. And so I urge you to
15 give a lot of attention, especially tonight if you're having a town meeting, to the make a
16 point that there are a myriad of concerns out there to be evaluated, and that I would
17 hope that you can say comfortably there is not going to be a one-size-fits-all program to
18 address the future of these facilities.

19
20 Ms. Bradford,
21 And it is quite true that decisions have not been made on any of these buildings. These
22 are simply the study recommendations and phrasing that how you express that, even
23 whether you talk about that before you've had the public meeting is all a lesson I think
24 we have all learned about how to deal with this in the public's view.

25
26 Councilmember Floreen,
27 And the other thing that I've heard -- I've seen made part of the conversation, and I think
28 we might want to pull back from it a little bit, is the revenue generation element of these
29 facilities. It is a piece of information, surely. But I'm not sure that should be a driver or
30 put up at the top of the list in terms of governmental or community-based priorities as
31 we look at these facilities. There not -- it's not irrelevant, but it may not drive -- and I
32 don't think it necessarily should drive the decision-making process in all this. Obviously
33 we'll talk with you about this far later down the road, but I think as you're meeting with
34 the community members on these issues now, I would hope you -- that point becomes
35 part of the conversation.

36
37 President Praisner,
38 Well, it started with an assessment of the conditions of the buildings. It also then
39 followed with an assessment of the use of those buildings at this point, and a question
40 of how much funds would be necessary to bring those buildings up to a standard that I
41 would assume we would expect from a standpoint of leaking roofs and mold and a
42 whole host of other issues of the conditions of the exterior and interior of the buildings.
43 And that's the first assessment I think a piece of that then factored in how much revenue

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1 or what the situation is, because they are out for lease. What I didn't see I think as I
2 recall back is the availability of alternatives for the community, because in some cases -
3 - I know some folks who have raised concern where there are options nearby that may
4 or may not be maximized in its out utilization either. And I do think my house is dirty or
5 meets code or not, I don't have the same public standard requirement for safety and
6 condition that a public building should have whether it is a county government building --
7 that's part of the infrastructure that we started talking about; and what the maintenance
8 requirements are for existing infrastructure across government buildings; and what we
9 were told is that Park and Planning did not have a good database on everything that it
10 owned. Whether it is parks, trails -- and we haven't talked about trails, and the condition
11 of those trails, as well as the small buildings that may exist, some of which you were
12 given let alone built or acquired. So those are the issues that we need to grapple with as
13 a community. There is nothing more emotional than the potential of losing the status
14 quo, whatever it may be, whether it is trees being taken down or a building being not
15 available; but we all have to look at all of those pieces. I think the point Councilmember
16 Floreen makes that I think needs to continue to be stressed is that no decisions have
17 been made, and that people will be engaged and involved in the process. But, you
18 know, every time we change something that exists or consider changing something,
19 folks react in a way that raises questions about both the approach, the validity, and the
20 tampering with what is the current situation. So we'll have plenty of conversation about
21 that at some point. Allison, did you want to make a final comment?

22
23 Mr. Bryant,

24 Yes, please, Madam President. And this is something I was going to introduce to my
25 colleagues at a later date, but it deals with this, and you might just shoot it down now
26 and I won't waste my time. But there are other options. And among the options that I've
27 been exploring privately with nonprofits in particular, and of course there's a risk
28 associating, and that's why the County Council has to give it serious consideration, is
29 the idea that there are in fact nonprofits who will be eager to take over some of these
30 buildings -- underwrite the cost of refurbishing them and/or fundraising to get them
31 refurbish, and allow continued use for the dominant community groups that are using
32 them with the idea in mind that they will also get the opportunity to utilize them.

33
34 President Praisner,

35 Well I think that is part of what -- is we heard might be looked at as some of these
36 options. The only comment I would make is that we have any number of closed schools
37 where individuals have taken over the management of them and then they turn around
38 and come to us for the funding of it.

39
40 Mr. Bryant,

41 Well that's the risk.

42
43 President Praisner,

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1 Thank you all very much for I think a very healthy and positive give-and-take in
2 conversation. I want to make one comment about Park and Planning staff because what
3 we have heard and discussed today, Parks and Planning folks, is that you all are
4 carrying a tremendous workload and generating very significant and positive progress
5 on a variety of issues. And I know from the Council perspective and our Council staff
6 perspective that we continue this progress of saying something else or that we have
7 other things that get put on our plate whether we ask for it or not, that seems to be the
8 challenge these days from special sessions to other issues; I do, Rose, the comments
9 about the backlog and the turnaround are very important. Parks Department and hiring
10 and the progress, Gwen, at looking at a variety of things including modifying the Master
11 Plan; and bringing us these challenges so that we can think about them and get back to
12 you and talk with you; and the commissioners themselves for the workload of additional
13 meetings, which obviously has an impact on the staff as well. I want to say on behalf of
14 the council that we very much appreciate everything that you all are doing and we are
15 adjourned.

16
17 Councilmember Floreen,
18 Thank you for your good humor and hard work.